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# POLITICAL SCIENCE QUARTERLY
THE JOURNAL OF PUBLIC AND INTERNATIONAL AFFAIRS

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On the Impact of September 11:

Michael Doran — The Pragmatic Fanaticism of al Qaeda: An Anatomy of Extremism in Middle Eastern Politics

Richard L. Russell — CIA's Intelligence in Iraq

Victor D. Cha — North Korea's Weapons of Mass Destruction: Badges, Shields, or Swords?

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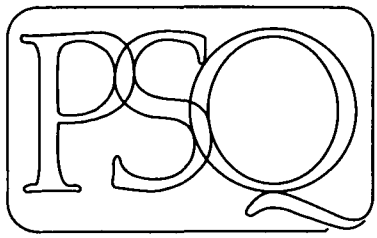

# POLITICAL SCIENCE QUARTERLY

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# CONTENTS

PSQ • Volume 117 • Number 2 • Summer 2002

On the Impact of September 11:

The Pragmatic Fanaticism of al Qaeda: An Anatomy of Extremism in Middle Eastern Politics
MICHAEL DORAN ..... 177

CIA's Strategic Intelligence in Iraq
RICHARD L. RUSSELL ..... 191

North Korea's Weapons of Mass Destruction: Badges, Shields, or Swords?
VICTOR D. CHA ..... 209

Human Rights and Domestic Violence
DARREN HAWKINS
MELISSA HUMES ..... 231

The Increasing Senate Scrutiny of Lower Federal Court Nominees
ROGER E. HARTLEY
LISA M. HOLMES ..... 259

Jewish Kinship at a Crossroads: Lessons for Homelands and Diasporas
YOSSI SHAIN ..... 279

Book Reviews ..... 311

Reference Books and Other Publications of Interest ..... 356

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

## BOOK REVIEWS

James M. Lindsay and Michael E. O'Hanlon, **Defending America: The Case for Limited National Missile Defense** RICHARD L. GARWIN 311

Bradley Graham, **Hit to Kill: The New Battle Over Shielding America From Missile Attack** JAMES J. WIRTZ 312

Craig Eisendrath, Melvin A. Goodman, and Gerald E. Marsh, **The Phantom Defense: America's Pursuit of the Star Wars Illusion** JULIAN SCHOFIELD 314

James J. Wirtz and Jeffrey A. Larson, eds., **Rockets' Red Glare: Missile Defenses and the Future of World Politics** JON WESTERN 315

Ivan Eland, **Putting "Defense" Back into U.S. Defense Policy: Rethinking U.S. Security in the Post-Cold War World** JAMES RUSSELL 316

Wilson Dizard, Jr., **Digital Diplomacy: U.S. Foreign Policy in the Information Age** BETH SIMONE NOVECK 318

Gregory J. Rattray, **Strategic Warfare in Cyperspace** JOHN ARQUILLA 319

John J. Mearsheimer, **The Tragedy of Great Power Politics** ROBERT J. LIEBER 321

Richard J. Aldrich, **The Hidden Hand: Britain, America and Cold War Secret Intelligence** RAYMOND L. GARTHOFF 322

John Dumbrell, **A Special Relationship: Anglo-American Relations in the Cold War and After** WARREN F. KIMBALL 324

Mark Phythian, **The Politics of British Arms Sales Since 1964** ROBERT HARKAVY 325

David M. Lampton, ed., **The Making of Chinese Foreign and Security Policy in the Era of Reform** DENNIS VAN VRANKEN HICKEY 327

Chen Jian, **Mao's China and the Cold War** DANIEL S. MARKEY 328

Steven S. Smith and Thomas F. Remington, **The Politics of Institutional Choice: The Formation of the Russian State Duma** JULIET JOHNSON 329

Zoltan Barany and Robert G. Moser, eds., **Russian Politics: Challenges of Democritization** VALERIE SPERLING 331

Igor Zevelev, **Russia and its New Diasporas** MIKHAIL A. ALEXSEEV 332

David Patrick Houghton, **U.S. Foreign Policy and the Iran Hostage Crisis** BARBARA FARNHAM 334

J. Ann Tickner, **Gendering World Politics: Issues and Approaches in the Post-Cold War Era** MEREDITH REID SARKEES 336

Julie A. Mertus, **War's Offensive on Women: The Humanitarian Challenge in Bosnia, Kosovo, and Afghanistan** ELISABETH JAY FRIEDMAN 337

John S. Sislin and Frederic S. Pearson, **Arms and Ethnic Conflict** CHAIM KAUFMANN 339

J. Stephen Morrison and Jennifer G. Cooke, eds., **Africa Policy in the Clinton Years: Critical Choices for the Bush Administration** JOHN F. CLARK 340

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Howard J. Wiarda and Margaret MacLeish Mott, **Catholic Roots and Democratic Flowers: Political Systems in Spain and Portugal** — Andrew Greeley — 342

Lawrence R. Jacobs and Robert Y. Shapiro, **Politicians Don't Pander: Political Manipulation and the Loss of Democratic Responsiveness** — David R. Mayhew — 343

Richard A. Posner, **Frontiers of Legal Theory** — Rogers M. Smith — 345

Jacob Lentz, **Electing Jesse Ventura: A Third-Party Success Story** — Frank J. Sorauf — 346

R. Allen Hays, **Who Speaks for the Poor?** — Ralph da Costa Nunez — 348

Thomas M. Carsey, **Campaign Dynamics: The Race for Governor** — David P. Redlawsk — 349

Eric Schickler, **Disjointed Pluralism: Institutional Innovation and the Development of the U.S. Congress** — Garry Young — 351

Colton C. Campbell and John F. Stack, Jr., eds., **Congress Confronts the Court: The Struggle For Legitimacy and Authority in Lawmaking** — Mark A. Graber — 352

Daniel Lazare, **The Velvet Coup: The Constitution, the Supreme Court, and the Decline of American Democracy** — Richard L. Pacelle, Jr. — 354

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ELECTRONIC REPRODUCTION PROHIBITED

# *From the Editor:*

## *In this issue . . .*

As a part of our special coverage of the impact of September 11, we are publishing three more articles:

MICHAEL DORAN analyzes Osama bin Laden as a rational actor, arguing that his extremist religious beliefs did not dictate his short-term political behavior, which is actually based on the principle of realpolitik. Al Qaeda's defeat in Afghanistan resulted not because its strategic thinking was clouded by religious dogmas, but rather because the balance of power in the Middle East is inherently difficult to read.

RICHARD L. RUSSELL examines the strengths and weaknesses of American intelligence during the Gulf War in gauging Iraqi political intentions and military capabilities. He finds that overall strategic intelligence served policy makers well, but that some shortcomings, particularly in human intelligence collection, need to be corrected if the United States is to successfully deal with Iraq in the post-September 11 world. The role of the CIA was diminished after the war, even though he finds that the CIA's estimates were more accurate than those of the Defense establishment.

VICTOR D. CHA examines the question about relative merits of engaging or containing North Korea that has resurfaced after President Bush's "axis of evil" statements. The author argues that this policy question cannot be answered without an understanding of the strategic doctrine behind North Korea's alleged nuclear weapons capabilities.

DARREN HAWKINS and MELISSA HUMES explain why western hemisphere states rapidly adopted policies to combat domestic violence in the 1990s. They develop a two-stage model in which domestic politics drives early adopters and international socialization prods followers to action. Leader states possess autonomous women's groups and domestic windows of opportunity, follower states are relatively weak or unstable, and nonconformist states are wealthy and stable but lack autonomous women's groups or domestic political opportunities.

ROGER E. HARTLEY and LISA M. HOLMES find that although the current delay in processing judicial appointments is the longest in recent history, this kind of delay and scrutiny of lower federal nominees is not a new political phenomenon. The authors argue that institutional changes have led the Senate to invigorate its role of "Advice and Consent" and have increased the political scrutiny of lower court nominations.

YOSSI SHAIN examines the growing involvement of Jewish-Americans in what he calls the Israeli *Kulturkampf* and underscores how Israel is reaching out to diasporic voices in an unprecedented manner. He also evaluates how the interplay between Jewish security and Jewish identity affects the sense of kinship solidarity.

DEMETRIOS JAMES CARALEY

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# The Pragmatic Fanaticism of al Qaeda: An Anatomy of Extremism in Middle Eastern Politics

MICHAEL DORAN

Al Qaeda's behavior presents us with something of a paradox. On the one hand, the organization stands for the principle that Islamic law is the only proper foundation for social and political life; on the other, it often disregards that law with impunity. For instance, the Islamic rules on warfare forbid attacks on women and children, but Osama bin Laden, in his smoking-gun video, expresses no remorse for having killed many innocents on September 11. On the contrary, he suggests that by doing so he showed the world the true face of Islam.

This supposition raises two central questions: What precisely is the relationship between al Qaeda's zealotry and its pragmatism? And, if not fanaticism, what did cause al Qaeda to misread the balance of power between its forces and the United States? In order to answer these, this article will examine the central doctrines of Islamic extremism, arguing that these ideas virtually compel al Qaeda to behave almost exclusively according to the principle of realpolitik. If the organization is a rational actor, then it is susceptible to the same kinds of analyses that we would apply to any other state or political movement in the Middle East. When viewed in this light, al Qaeda's defeat appears as but one in a series of Middle Eastern military miscalculations that includes, among others, the Egyptian remilitarization of the Sinai in June 1967 and the Iraqi invasion of Kuwait in August 1990. The article will argue that this kind of military disaster occurs with relative frequency in the Middle East as a consequence of the complex balance of power in the region. Fanaticism, therefore, played no role in al Qaeda's miscalculation.

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MICHAEL DORAN is assistant professor in Near Eastern Studies at Princeton University. He is the author of *Pan-Arabism Before Nasser.*



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September 11 was no isolated example. When it comes to matters related to politics and war, al Qaeda maneuvers around its dogmas with alacrity. Thus in the mid-1990s it "obtained specialized terrorist training" from Iranian government officials working with Hizballah in Lebanon.[1] If viewed through the cold eye of realpolitik, there is nothing surprising about the fact that these two parties found a basis for limited cooperation: Teheran and al Qaeda share the goal in the long term of ending United States hegemony in the Persian Gulf, and in the short term of ousting American troops from Saudi Arabia. However, only inveterate pragmatists on both sides could have turned a blind eye to the religious obstacles that stood in the way of even limited, covert cooperation. The Iranian hardliners are themselves Islamic radicals, but the Sunni-Shiah gulf separates them from al Qaeda, which reviles their Shiah belief as a form of polytheism.

It is important to keep in mind this example of realpolitik, because on the basis of the crushing defeat that al Qaeda has suffered in Afghanistan one might conclude that a single-minded commitment to religion translates into a simple-minded politics. One feels a temptation to interpret the entire trajectory of al Qaeda's career as a consequence of its zealotry. The fanaticism of Osama bin Laden, so the argument would go, won for him the loyalty of suicide bombers, whose willingness to martyr themselves transformed his movement into a force in world politics. At the same time, this fanaticism also compelled bin Laden to launch a war against the greatest power on earth without weighing the consequences of his actions in a fully rational manner. This view assumes that a maniacal anti-Americanism on the part of al Qaeda's rank and file dictates the organization's political strategy. However, it seems reasonable to assume that the pragmatism informing bin Laden's cooperation with Iran in the 1990s is continuing to dictate his strategic thinking in his war on America today.

## The Intellectual Origins of al Qaeda's Realpolitik

When searching for the connection between pragmatism and zealotry, a good place to start is with Ibn Taymiyya, the great Islamic thinker who, though he died in the early fourteenth century, laid the intellectual foundations for Islamic extremism in the twentieth.[2] Ibn Taymiyya was a Janus-faced intellectual, a fire-

[1] J. T. Caruso, acting assistant director, Counter Terrorism Division, Federal Bureau of Investigation, "Statement for the Record on al Qaeda International," before the Subcommittee on International Operations and Terrorism, Committee on Foreign Relations, United States Senate, Washington, DC, 18 December 2001, available at http://www.fbi.gov/congress/congress01/caruso121801.htm, 24 April 2002; and Peter L. Bergen, *Holy War, Inc.* (New York: Free Press, 2001), 85.

[2] On the influence of Ibn Taymiyya on modern Islamic extremism, see Johannes J. G. Jansen, *The Dual Nature of Islamic Fundamentalism* (Ithaca, NY: Cornell University Press, 1997); and Emmanuel Sivan, *Radical Islam: Medieval Theology and Modern Politics* (New Haven: Yale University Press, 1985). Osama bin Laden himself quotes Ibn Taymiyya repeatedly in his 1996 "Declaration of War Against the Americans. . . ," which is located at http://www.washingtonpost.com/wp-dyn/nation/specials/attacked/, under the link "Religious Texts," 26 March 2002.

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breathing zealot, but he was also a pragmatic man who accepted the political world as he found it.[3] Al Qaeda's understanding of politics owes more to him than to any other source: a brief examination of his ideas against the background of his life helps us to understand why this is so.

At the age of five, Ibn Taymiyya became a refugee. In 1268 he fled his native Iraq for Syria in order to escape from the Mongols, who during the previous decade blew into the Middle East like a storm from Central Asia, destroying the Abbasid Caliphate in the process. They established a center of power in northeastern Iran around Tabriz from which they threatened Syria, Palestine, and Egypt. Consequently, Ibn Taymiyya lived his adult life under the shadow of the Mongol threat, which is the key factor for understanding the two faces of his thought.

In 1300, the reigning Mongol Ilkhan, Ghazan, a direct descendant of Genghis Khan, invaded Syria.[4] Since Ghazan had converted to Islam in 1295, he could project himself as a legitimate Muslim ruler, thereby capitalizing during his Syrian campaign on the strong prohibition in Islam against internecine Muslim fighting. In effect, his conversion sent a message to the Syrians: "Do not resist me; I come not to destroy Islam but to strengthen it." This line did not convince Ibn Taymiyya, who put his genius for Islamic law to work in developing anti-Mongol propaganda. He argued that, although Ghazan sported the appearance of being a Muslim, his policies as a ruler proved that he remained loyal to traditional Mongol law and belief. By having converted to Islam but then having failed to raise up Islamic law in his realm, Ghazan demonstrated that his conversion was a sham. On this basis, Ibn Taymiyya pronounced him an apostate. Because Islam takes a very dim view of apostasy (abandoning the true faith) Ibn Taymiyya had the material at hand to build a strong legal case both for ignoring Ghazan's claims of being a Muslim and for making total war on the partially-Islamized Mongols.

Ibn Taymiyya thus established a boundary between the truly Islamic society and its pseudo-Muslim enemies, who in his view posed a grave threat not just to the Muslims of Syria but to religion itself. The extent of the danger meant that the war against the Mongols was the first priority of the community: prosecuting it required all necessary steps, even if they sometimes contravened the letter of Islamic law. Ibn Taymiyya's pragmatism probably reflected his desire to prevent fighting over matters of religion, so that the Islamic community would be capable of standing united against the external threat. Politics, he might have said, is too serious a business to be left solely in the hands of the men of religion, particularly in a time of war.

[3] For a detailed discussion of Ibn Taymiyya's pragmatism, see Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge, UK: Cambridge University Press, 2000), 151–157. For a revealing biographical sketch, see D. P. Little, "Did Ibn Taymiyya Have a Screw Loose?" *Studia Islamica* 41 (1975).

[4] On Ibn Taymiyya's attitude toward Ghazan, see Jansen, *Dual Nature*, 33–39.

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Following the procedure that Ibn Taymiyya established, al Qaeda today draws a similar line. The following passage from its manual on guerrilla warfare describes the historical emergence of al Qaeda's primary enemy, the apostate ruler: "After the fall of our orthodox caliphates on March 3, 1924 and after expelling the [European] colonialists, our Islamic nation was afflicted with apostate rulers who took over. . . . These rulers turned out to be more infidel and criminal than the colonialists themselves. Muslims have endured all kinds of harm, oppression, and torture at their hands."[5] This conception is clearly an extension of Ibn Taymiyya's world view to the circumstances of the present day. The role that the Mongols played as the threat to Islamic civilization in the thirteenth and fourteenth centuries is, in the view of al Qaeda and likeminded extremists, currently played by Western civilization.

In this conception, the ruling elite in the Middle East today are latter-day Ghazans, apostate rulers. President George W. Bush is not the enemy closest to home; Pervez Musharraf of Pakistan, Hosni Mubarak of Egypt, and King Fahd of Saudi Arabia are the pseudo-Muslim representatives of an alien civilization. These leaders pretend to follow Islam and to represent their own people when in actuality they stand in thrall to Western culture while serving as the puppets of the Western powers. Since they were born Muslims, profess Islam, and yet do not rule according to Islamic law (as defined by the extremists), they receive at the hands of al Qaeda the same verdict—guilty of apostasy—that Ibn Taymiyya meted out to Ghazan. Toppling them from power is the heart and soul of al Qaeda's politics.

Al Qaeda did not itself apply Ibn Taymiyya's ideas to the modern world. That task fell to Sayyid Qutb, one of the most influential thinkers of the twentieth century.[6] A radical Islamic ideologue, Egyptian authorities executed him in 1966 for, they claimed, conspiring to overthrow the government. Qutb's importance lies in having translated the logic of Ibn Taymiyya's rulings on apostasy into a comprehensive perspective on the problems of Islam in the modern world. Qutb describes modern society as "*jahili*"—a word derived from "*jahiliyya*," the name of the historical period in Arabia before Muhammad began preaching Islam. Related to the Arabic word for "ignorance," "*jahiliyya*" translates roughly as "the Dark Age." In Qutb's use, however, "*jahili*" does not refer, as it traditionally does, to a specific historical stage but rather to a general state of barbarousness and idolatry—a state into which any Muslim society can sink, even after the advent of Islam. In his view, the impact of the West in the modern era did in fact cast Middle Eastern societies adrift, cutting them loose from their Islamic moorings and turning them into realms of idolatry. Idolaters, in the orthodox Islamic tradition, do not benefit from any of the restrictions on violence in the name of religion; they are a legitimate target for holy war.

[5] *Al-Qaeda Training Manual*, 7. The manual was discovered in the house of an al Qaeda operative in May 2000, and introduced as evidence at the trial of the East Africa Embassy bombers. It is located at http://www.justice.gov/ag/trainingmanual.htm.

[6] On Sayyid Qutb, see Sivan, *Radical Islam*; and Jansen, *Dual Nature*.

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In effect, Qutb exhorts extremists to make war on the ruling elite, which is guilty of allowing idolatry to flourish. His remedy is revolution, but the enemy is not limited to the corrupt elite controlling the Middle East; a global evil threatens to wipe out Islam itself. Failure to bring about the Islamic revolution will, therefore, spell the end of all that is of value in the world.

By describing the present as the new *jahiliyya* and arguing that Islam is in danger of being destroyed by the forces of darkness, Qutb affords extremists like bin Laden easy access to what I will dub "the Hijra model," by which I mean the example set by the Prophet Muhammad of how a Muslim should carry out a revolution.[7] In the face of opposition by unjust rulers, the Prophet founded the Islamic community and defended it against idolatrous enemies. He began by preaching Islam in Mecca, where he achieved notable success when people from a variety of backgrounds broke with their pagan traditions and converted to Islam. This success threatened the reigning oligarchy, which sought to protect its privileged position by persecuting the nascent Islamic community. This step forced Muhammad and his followers to make the *Hijra*, or migration, to Medina, where they established an independent state. With his power base thus secured, Muhammad then conducted a successful war against the Meccan idolaters, the former persecutors of the Muslims, whom he eventually converted to Islam.

This pattern—preaching the true faith, performing *Hijra* to escape oppression, organizing an independent power base, and then conducting war to topple the unbelievers from power—is a blueprint for revolution. It is the model that bin Laden is following; in the context of the new *jahiliyya*, al Qaeda's sanctuary in Afghanistan today is the functional equivalent of the Prophet's community in Medina in 622. Viewing its circumstances today as virtually identical to those of the Prophet when he made war against idolatrous Mecca, al Qaeda sees itself as a tiny colony of true believers who are surrounded on all sides by enemies and on whose shoulders rests the fate of humanity. In some respects, al Qaeda resembles a doomsday cult: it divides the world into absolute categories of good and evil; it has a paranoid siege mentality; it sees in extreme violence a means of cleansing the world; and it believes that all humanity stands on the brink of an unspeakable disaster. "Mankind today," Sayyid Qutb writes in the opening line of his most important book, "stands at the edge of the abyss."[8]

However, the world view of al Qaeda differs from that of a doomsday cult with respect to the role of politics and war. According to al Qaeda, violence will not spark the apocalypse but instead will avert disaster and usher in a new dawn, provided that it destroys the idolatrous rulers, just as the Prophet Muhammad ushered in a new age of light and justice when he defeated idolatrous Mecca and ended the darkness of the *jahiliyya*. According to Qutb, mankind stands at

[7] See Michael Cook, *Muhammad* (Oxford, UK: Oxford University Press, 1984), chap. 6.

[8] Sayyid Qutb, *Ma'alim fi al tariq* (np, nd). For an English translation, see Sayyid Qutb, *Signposts on the Road* (Mumbai, India: Bilal Books, 1998).

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the abyss because it "is bankrupt in the realm of values that, under their shelter, permit human life to develop in a healthy manner and to progress properly."[9] Al Qaeda's goal is to take control of the state in order to pull humanity back from the abyss by upholding Islamic values throughout society. Its violence, therefore, does not presage a supernatural event: it is part of a wholly conventional war that by keeping alight the flame of Islam will nevertheless have near-cosmic consequences.

If considered together as a comprehensive intellectual system, the thought of Ibn Taymiyya, Sayyid Qutb, and the *Hijra* model of revolution explain the seeming contradiction between al Qaeda's principles and its pragmatism. This intellectual system fosters the creation of an enclave of true believers, who fervently support the principle that Islamic law belongs at the center of social and political life. However, Islamic society faces, in their view, a grave existential threat in the form of Westernization, which has bred several generations of apostate rulers in the Middle East. These rulers are using the power of the state successfully to snuff out true religion. Meeting this existential threat is the first duty of every true Muslim, and the hour is very late. In order to save the world from depravity, it is imperative to topple these rulers from power immediately. In this project, al Qaeda sees itself as *one* military arm of the enclave of true believers. Its overriding priority is to carry out Islamic revolution by whatever means available. Since the salvation of mankind hinges on the political effectiveness of the true Muslims, bin Laden has no intention of going down in a blaze of glory unless this sacrifice would destroy one of the apostate regimes or weaken it considerably. In general terms, however, the needs of the revolution require al Qaeda to preserve itself to fight another day. The gravity of the situation requires al Qaeda to pursue its interests by any means available; conventional morality impinges on its political thought only with regard to its utility in manipulating others. Al Qaeda's long-term goals are set by its fervent devotion to a radical religious ideology, but in its short-term behavior, it is a rational political actor operating according to the dictates of realpolitik.

## Anti-Americanism, the Trojan Horse of Extremist Islam

If al Qaeda is, for the purposes of political analysis, a pragmatic revolutionary movement interested in self-preservation, then why did it pick a fight to the death with the greatest power on earth? A look at the background of the two most important men in al Qaeda—Osama bin Laden and Ayman al-Zawahiri—is instructive. These men rose out of local Islamic opposition movements—bin Laden in Saudi Arabia, Zawahiri in Egypt. They took up arms against America when they were forced into exile after failing to reform or topple their governments at home. The trajectory of their careers reflects a general trend in the Middle East: Islamic revolutionaries have been crushed in Syria, Egypt, and

[9] Ibid., 3.

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Algeria; in many other countries, such as Saudi Arabia and Jordan, they have been coopted and exiled. Although revolutionary political action has failed, extremists have occupied more cultural space than ever before in the form of voluntary social clubs, welfare organizations, and mosque associations of a variety of different kinds. The war against America must be understood in this context of crushed revolutions in the midst of cultural resurgence.

Since Islamic radicals everywhere see the United States as the neo-Mongol power lurking behind the apostate governments that they seek to topple, attacks on America function as "propaganda by action," as well as direct action itself.[10] These bold acts of defiance have three main purposes: they bolster the morale of extremists around the Islamic world; they call new recruits to the banner of radical Islam; and they discredit the prevailing political order, which benefits from a general feeling that actions of individuals cannot alter the status quo. Operations such as the bombing of the East Africa embassies and the attack on the USS *Cole* sent out a clear message: We radicals have not given up the fight. We will eventually triumph, because America is a paper tiger, as are its stooges currently ruling the Middle East. In an effort to get the message out, al Qaeda celebrated its attacks on video tapes, which it distributed as recruitment material in radical mosques around the Islamic world.

On one level, the terrorist attacks on September 11 are simply the boldest in a series of propaganda actions. On another level, they diverge from this pattern significantly. By striking with such brutality, bin Laden fully intended to spark a conflict in Afghanistan between the United States and al Qaeda.[11] He certainly got his wish, but the war did not proceed as planned. Al Qaeda expected the United States to follow in the footsteps of the Soviet Union, whose Afghan adventure presented the world with the spectacle of a superpower going down slowly in defeat, but not before trampling under its boot tens of thousands of innocent Muslim civilians. Al Qaeda calculated that Washington would also discover Afghanistan to be the burial place of empires. Had the conflict actually proceeded according to al Qaeda's scenario, it would have created severe friction between state and society throughout much of the Middle East. Governments in the region, under pressure from Washington to support its war, would find themselves caught between the demands of their foreign patron and the anti-American sentiments of their own public. The ensuing legitimacy crisis would help to advance the cause of the Islamic revolution, either by actually shaking the regimes to the core or simply weakening them.

Although to some this might at first glance appear to be a somewhat implausible scenario, modern Middle Eastern history does provide a clear prece-

[10] Emmanuel Sivan, "The Third Wave of Radical Islam" (lecture delivered at Princeton University, 3 December 2001).

[11] I develop this argument in "Somebody Else's Civil War," *Foreign Affairs* 81 (January/February 2002).

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dent for the conflict that al Qaeda envisioned—the Iranian hostage crisis.[12] In 1979, the Ayatollah Khomeini and his radical followers initiated a conflict with Washington and then deftly manipulated it as a means of discrediting their domestic rivals. At the risk of oversimplifying matters, we can divide the revolutionary forces in Iran into two camps, the moderate and the clerical, not at all unlike the division in Iran today between reformers and hardliners. In November 1979, supporters of the clerical camp, calling themselves "students following the Imam's line," stormed the American Embassy in Iran, just as National Security Adviser Zbigniew Brzezinski was meeting in Algiers with the Iranian Prime Minister Mehdi Bazargan, who represented the moderate camp and, therefore, desired cordial relations with Washington. By taking the Americans hostage, the clerical camp toppled the Bazargan government, scoring a blow against the moderate camp and the Americans simultaneously, and also driving them apart from each other.

While the initial blow to the Americans brought significant results, the utility of the conflict with the United States only grew as the crisis between the two countries deepened. By continuing to hold the embassy for many months thereafter, the clerical camp brought the conflict to a fever pitch, creating a wartime atmosphere in Iran—an atmosphere made even more explosive by the failed rescue mission that Washington launched. In this climate, the radicals could tar with the brush of treason any politician or soldier with a history of ties to America. Documents captured from the American Embassy contained many memoranda of conversations with moderate politicians, dating from after the fall of the shah. With the country in the grips of a war psychosis, even innocent exchanges with American officials could be made to appear as convincing proof of participation in a conspiracy against the revolution. The cache of American embassy documents thus functioned as a ready supply of ammunition against the moderates. On top of the contrived charges came the discovery of real conspiracies between the Americans and some moderate forces, particularly in the military. These plots only increased the momentum of the radicals, who eventually succeeded in eliminating their rivals so as to enjoy a free hand in fashioning the institutions of the Islamic Republic.

The clerical camp used the crisis with Washington in order to create an external, "imperialist" threat in the eyes of the Iranian public and simultaneously to capture the moral high ground by posing as the authentic representatives of the nation against its foreign enemy. Using the conflict with America in this way, as a kind of Trojan horse for extremist Islam, is also at the heart of al Qaeda's war on America. Bin Laden's post-September 11 statements reveal his intention to use anti-imperialism as a means of reaching a broader audience than would otherwise be available to him. In early November he described the political situation as follows:

[12] I have based this broad-brush interpretation of the hostage crisis on the detailed narrative and analysis of the revolution provided by Shaul Bakhash, *The Reign of the Ayatollahs* (New York: Basic Books, 1984).

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> Amid the huge developments and in the wake of the great strikes that hit the United States in its most important locations in New York and Washington, a huge media clamor has been raised. This clamor is unprecedented. It conveyed the opinions of people on these events. People were divided into two parts. The first part supported these strikes against U.S. tyranny, while the second denounced them. Afterward, when the United States launched the unjust campaign against the Islamic Emirate in Afghanistan, people also split into two parties. The first supported these campaigns, while the second denounced and rejected them. These tremendous incidents, which have split people into two parties, are of great interest to the Muslims. . . .[13]

The two camps that bin Laden promotes here—supporters and opponents of America—are not the same two camps that emerge from his Manichean world view, which separates the enclave of true believers from everyone else. Dividing people according to their attitude toward American power demonstrates an intention to capture for al Qaeda the moral high ground in the struggle against the United States. Like the Iranian radicals in 1979, bin Laden regards the conflict with America as a tool for discrediting the ruling elites aligned with the United States in the Middle East, and thereby creating a revolutionary atmosphere that will, he calculates, benefit his brand of extremism.

Although al Qaeda's use of war with America as a vehicle for polarizing public opinion clearly resembles the Iranian hostage crisis, the two events nonetheless differ significantly in one regard. In contrast to al Qaeda, the Iranian clerical camp operated against rivals inside Iran, where the clerical camp controlled both public space and a coercive apparatus. By contrast, al Qaeda seeks to weaken enemies located far beyond the borders of its sanctuary in Afghanistan. Despite this disadvantage, the tensions between Washington and Riyadh that have risen to the surface since September 11 demonstrate that bin Laden did manage to land a few blows for his cause. Al Qaeda slipped the thin end of a wedge between Washington and Riyadh. A protracted U.S. war in Afghanistan would probably have driven it deep into the structure of the American-Saudi alliance, possibly even tearing the two countries apart.

## Middle Eastern Brinksmanship

Al Qaeda views the post-September 11 conflict with the Unites States as a variation within an historical process. In the search for metaphors, one is tempted to say that bin Laden considers the struggle in Afghanistan to be a single battle in a long war. This image itself is, however, misleading, because it emphasizes the notion of a bilateral contest. For al Qaeda, the primary struggle is between the apostate rulers in the Middle East and the forces of true Islam, of which al Qaeda is but one representative. The relative strength of each side on the battlefield in Afghanistan, though not unrelated to the primary contest as defined by al Qaeda, is by no means a clear measure of success or failure. If al

[13] Text from BBC News Online, 3 November 2001, located at http://www.news.bbc.co.uk.

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Qaeda simply lives to regroup and to fight in the next stage of this ongoing process, it has scored a significant victory. On the basis of its world view, even total destruction of the organization does not necessarily constitute failure. If, for instance, al Qaeda's destruction were to result in the weakening of apostate regimes, and at the same time its martyrdom were to inspire a like-minded group to emerge from the enclave of true believers, then the very destruction of al Qaeda would constitute a political success.

This view of the conflict with the West as a process, not a discrete event, does not derive solely from al Qaeda's Islamic world view; some aspects of this perspective are shared by every major Middle East actor seeking to alter the status quo. Yasser Arafat and Saddam Hussein share aspects of this view, as did figures from the past such as Gamal Abdel Nasser and Muhammad Mossadegh. This attitude reflects a coherent approach to the difficult facts of life in the Middle East, where Western influence is permanently present but permanently illegitimate. Western power—political, economic, and military—has been a fixture on the political landscape for two-hundred years, and it shows no signs of being dismantled in the foreseeable future. However, the specific terms of Western engagement with the region are never fixed, often in flux, and therefore always subject to negotiation. At the same time, a number of nationalist ideologies and state interests militate in favor of expelling the West, redrawing borders between states, toppling regimes, and redistributing wealth. Since the Western powers are the ultimate guarantors of international order, the negotiable status of their influence keeps alive the possibility of actually taking steps to revise the status quo along these lines. Given all that such a revision would entail in terms of increased prestige and wealth, leaders have a powerful incentive to challenge the West.

These circumstances give rise to a mode of identity politics that, for lack of a better term, I will dub "anti-Western brinksmanship," by which I mean the tendency of Middle Eastern actors to challenge the interests of a Western power directly, or indirectly, through one of its local allies in order to provoke the threat of Western intervention, if not actual intervention itself. In these crises, Middle Eastern leaders adopt utopian nationalist and religious ideologies tailored to appeal to a number of disaffected groups simultaneously. These ideologies undoubtedly exploit three permanent factors on the political scene: historical grievances against the West; revanchist sentiment toward Israel; and transnational identities, such as Arabism and Islam, which embrace the majority of people throughout the region. Often the response by the West (or Israel) to a provocation allows a Middle Eastern brinksman to achieve results that by his efforts alone would not have been possible. This model accounts for much of the interaction between the Palestinians and the Israelis throughout the history of their conflict, and especially since the beginning of the al Aqsa Intifada. As a political phenomenon, al Qaeda's decision to target the West deserves to be analyzed within this framework rather than as a simple story of religious extremism and virulent anti-Americanism.

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One obvious response to this argument is that al Qaeda, unlike, say, Saddam Hussein, is clearly driven by its ideology. While al Qaeda is the ideological organization par excellence, there still exists a gap between its long-term goals set by its religious convictions and its immediate goals set by its understanding of the possible. The structure of the Middle Eastern international system places considerable constraints on successful political action. Consequently, al Qaeda has no choice, if it wishes to be a serious player in the game, but to follow the brinksmanship model, which is one of the few methods available to an anti-status quo power in the region.

Bin Laden virtually announced his use of the model when he invoked the cause of Palestine in his post-September 11 propaganda video tapes. His 1996 "Declaration of War," by contrast, had demonstrated far less interest in Palestine, being primarily concerned with specifically Saudi subjects. Palestine, in the language of Middle Eastern politics, is both a pan-Arab and a pan-Islamic symbol that stands simultaneously for the actual suffering of Palestinians under Israeli occupation and for the suffering of all Arabs and Muslims under the callous domination of the Western world. Bin Laden's late conversion to Palestinian nationalism signaled his intention to project his message to a wider audience in order to trump the West in the arena of identity politics.

If al Qaeda's policies actually reflected the shrewd calculations of a Middle Eastern brinksman rather than the irrational rage of a zealot, then what went wrong? Given the nature of the situation, we will never know for certain; but the brinksmanship model alerts us to the main factors that would have caused al Qaeda to misread the balance of power between itself and the United States.

First of all, bin Laden probably assumed that great power rivalries would place limits on the American ability to dominate Central Asia. He counted in particular on Russia and China constraining the United States; both powers wield influence in the region, and both had for some time expressed deep frustration with the unilateralist streak in President Bush's foreign policy. The Republican administration's insistence on pressing ahead with its missile defense plan had alienated Moscow and Beijing alike; both had threatened to engage in an arms race if Washington refused to respect their interests. For some time prior to September 11, friction between the United States and Russia had developed over the war in Chechnya. Moreover, the general discontent that the Russians had expressed regarding the rise of American power since the fall of the Soviet Union made it appear extremely unlikely that Moscow would have supported a massive and prolonged United States military presence in Central Asia close to the Russian heartland. The same held true for Beijing, where a number of bitter memories were still fresh in everyone's mind, from the bombing of the Chinese embassy in Belgrade, to the conflict over the downed American spy plane, to the ever-present tensions over Taiwan.

If the great power environment appeared propitious, then the regional balance was even more promising for al Qaeda. Middle Eastern brinksmen and Washington approach conflicts very differently. Washington searches for allies,

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focusing on the stated intentions of governments. The brinksman, by contrast, realizes that the key question with regard to his interests is whether the regional political environment in general will permit Washington to carry out its plans. Formal alliances, therefore, mean very little; the brinksman focuses instead on relations within societies and works to bring about a set of political circumstances that will foil American aims.

Working from this perspective, bin Laden calculated that he could drive a wedge between the Unites States and the local allies that it would need in order to topple him. In this particular case, the decade-long regional struggle for Afghanistan worked in his favor. This geostrategic battle pitted a Russian and Iranian entente, which operated in support of the Northern Alliance against Pakistan, which backed the Taliban. For its part, the United States had traditionally allied itself with Pakistan in this regional contest, although relations between Washington and Islamabad had become strained in recent years. From bin Laden's point of view, this regional balance meant that Washington had only two options: it could align itself with the Northern Alliance or it could work through its traditional ally, Pakistan. Both scenarios appeared highly implausible. If a natural law of international politics is "my enemy's enemy is my friend," then the United States found itself working against nature: Washington's enemy, the Taliban, was the ally of its friend, Pakistan; and Washington's enemy's enemy, the Northern Alliance, was the friend of Washington's enemy, Iran. How could this not have bolstered the confidence of al Qaeda?

Bin Laden did not, however, simply assume that the regional balance of power would take care of everything by itself. He also had at least two cards of his own to play in order to influence the regional environment. First, he assassinated Shah Massoud, the leader of the Northern Alliance. Al Qaeda suicide bombers killed Massoud two days before September 11 by posing as Arab journalists coming from Europe to conduct an interview. By the time of his assassination, the Northern Alliance had in any case been relegated to a sliver of territory in northeastern Afghanistan, and it hardly seemed capable of posing a serious threat to the Taliban and al Qaeda. Nevertheless, bin Laden engineered the decapitation of the Northern Alliance in order to throw it into such disarray that it would be useless to the United States as an instrument of retribution.

Second, bin Laden issued a pan-Islamic appeal over the heads of the Musharraf regime in Pakistan to the people in the street sympathetic to him and hostile to America. Using a tactic perfected by Nasser and Saddam, bin Laden hoped that this appeal would either destabilize Pakistan or, at the very least, scare both Washington and Islamabad with the threat of destabilization. Bin Laden issued his appeal in the full knowledge that any attempt by the United States to ally with the Northern Alliance would inevitably provoke a backlash in Pakistan. In particular, he could count on three elements in Pakistani society that could be expected to react violently to such a provocation: groups in the military and secret services with strong ties to the Taliban and jihadist groups in

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Kashmir; Islamic extremist political organizations; and especially, the Pashtun tribesmen along the Afghan border. The last group was of particular importance to bin Laden, because the Taliban represents, in addition to a religious affiliation, Pashtun ethnic dominance of Afghanistan. The fact that the border between Pakistan and Afghanistan dissects the Pashtun ethnic group amplified bin Laden's pan-Islamic ideology considerably; it appealed as a consequence not just to religious sentiment in Pakistan but in addition to Pashtun ethnic nationalism.

The overlap between Sunni Islam and the Pashtun ethnicity also gave bin Laden an advantage in countering any attempt by the United States to cooperate with the Northern Alliance, which in addition to its connections with Pakistan's regional rivals represented all the non-Pashtun and non-Sunni elements in Pakistan—the Uzbeks, Tajiks, and Hazaras. Thus, on September 11, bin Laden probably told himself that strategic, ethnic, and religious factors in Pakistan all militated in favor of Islamabad lobbying Washington with all vehemence to steer clear of the Northern Alliance.

From bin Laden's viewpoint, Washington had only one other option—to pressure Islamabad itself to help destroy the Taliban. For the Americans, this policy would allow them to work with, rather than against, their traditional ally, but it would also require Pakistan to dump a Muslim ally on orders from Washington, whose star had been falling in Pakistan in recent years. Such a radical policy reversal, bin Laden probably calculated, would unmask the Musharraf regime before its own public, revealing it as a puppet of the Americans. Again, bin Laden did not leave matters to chance. In proclamations directed to the Pakistani people, he stated: "The world had been divided into two camps: one under the banner of the cross, as Bush, the head of infidelity said, and another under the banner of Islam. A Muslim is a brother to fellow Muslims. He neither does them an injustice, nor lets them down. The Pakistani Government has fallen under the banner of the cross."[14] Bin Laden was certainly aided in this appeal by the tensions that developed between Pakistan and India over the Kashmir dispute. Even if bin Laden had no direct hand in these events, they were precisely the type of disruption that he envisioned when he provoked America to attack him.

The success of bin Laden's tactics, comparable to the Iranian hostage model, hinged on being able to initiate a controlled conflict with the United States. This, in turn, required being able to deny the United States a firm foothold in the region in order to neutralize American military superiority. Obviously, bin Laden severely miscalculated on many levels at once. The Russians allowed the Americans a free hand. The Musharraf government did manage to reverse its policy, align with the Americans while they cooperated with the Northern Alliance, oust pro-Taliban elements from its military, and rein in militants in Pakistan. Iran turned a blind eye to the American presence. In addition to these

[14] Text from BBC News Online, 1 November 2001, located at http://www.news.bbc.co.uk.

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misreadings of the regional balance of power, one could add many other miscalculations. To name just one, bin Laden, like most generals, planned for the last war; he failed to perceive the qualitative difference between the Russian army of the 1980s and the high-tech American military of the twenty-first century, which managed to overcome many of the obstacles in Afghanistan that previous outside powers had found insurmountable.

Nonetheless, Nasser in the 1967 Arab-Israeli War and Saddam Hussein in the Gulf War made military miscalculations based on a far less propitious set of circumstances. Like other Middle Eastern brinksmen before him, bin Laden miscalculated the strength of public opinion, and he misread the intentions and capabilities of a superpower. This should not blind us to the fact, however, that he did perceive correctly the general patterns in the relations between the United States and the Islamic world, and he attempted to exploit them with cunning. Moreover, it is too early to judge his errors as complete failures. The consequences of September 11 in Saudi Arabia, Pakistan, and Egypt—to name just three countries—have yet to play themselves out fully. Even if al Qaeda never recovers from the military defeat in Afghanistan, bin Laden may still succeed in his aim of severely weakening the apostate regimes in the Middle East and of inspiring like-minded organizations to emerge from the enclave of true believers. He may even survive to fight another day.

There has been much talk about how September 11 permanently changed the United States and the world. In its relations with the Arab and Islamic peoples, however, Washington can almost certainly count on more of the same. The crash of the tectonic plates of history created the complex balance of power between the Middle East and the West today. This deep historical structure determined the range of choices available to even the most resolute superpower. Before too long, this balance of power will inevitably support the aspirations of another brinksman, who will step to the fore and challenge American hegemony. Bin Laden's miscalculations, even if they do spell total failure for al Qaeda, may well pave the way for somebody else's success.

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# CIA's Strategic Intelligence in Iraq

RICHARD L. RUSSELL

*The CIA was the only agency to dissent: on the eve of the ground war, it was still telling the President that we were grossly exaggerating the damage inflicted on the Iraqis. If we'd waited to convince the CIA, we'd still be in Saudi Arabia.*
*—H. Norman Schwarzkopf, It Doesn't Take a Hero*

*War is the realm of uncertainty; three quarters of the factors on which action in war is based are wrapped in a fog of greater or lesser uncertainty.*
*—Carl von Clausewitz, On War*

The role of strategic intelligence in the foreign policy decision-making process at the highest echelons of government remains a neglected field of study. Much of the scholarly literature on intelligence is written from the perspective of intelligence officers, while significantly less is written from the perspective of policy makers. As Robert Gates observes, "A search of presidential memoirs and those of principal assistants over the past 30 years or so turns up remarkably little discussion or perspective on the role played by directors of central intelligence [DCIs] or intelligence information in presidential decision making on foreign affairs," while "in intelligence memoir literature, although one can read a great deal about covert operations and technical achievements, one finds little on the role of intelligence in presidential decision making."[1]

The study of intelligence from the policy maker's perspective would potentially yield a more robust understanding of the strengths and weaknesses of strategic intelligence and focus attention on areas where intelligence collection

[1] Robert M. Gates, "An Opportunity Unfulfilled: The Use and Perceptions of Intelligence at the White House," *Washington Quarterly* 12 (Winter 1989): 35.

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and analysis need improvement. The need for improving strategic intelligence performance was painfully made clear to Americans by the tragic events of September 11, 2001, in which their intelligence community failed to detect the Osama bin Laden-orchestrated conspiracy that killed several thousand civilians on American soil.

In the United States, the principal intelligence entity responsible for providing strategic intelligence to the president is the Central Intelligence Agency (CIA). Despite media-inflated public perceptions, strategic intelligence generally plays only a modest role in the day-to-day affairs of statecraft. Michael Herman correctly points out, "Those in CIA who produce the President's Daily Brief [PDB] and the National Intelligence Daily [NID] do not expect them to lead regularly to immediate action, any more than newspapers expect to change the world with every issue. Of all the contents of daily and weekly high-level intelligence summaries only a minute proportion feed directly into decisions."[2] Herman notes that "the role of most intelligence is not driving decisions in any short term, specific way, but contributing to decision-takers' general enlightenment; intelligence producers are in the business of educating their masters."[3]

## Strategic Intelligence and the Senior Bush Administration

The impact of strategic intelligence on the American policy-making process reached an apex with President George Herbert Walker Bush. During his administration, the United States had its first commander-in-chief who had previously served as a DCI. Few, if any, presidents had had Bush's grasp of the power—and limitations—of intelligence before occupying the Oval Office. The president who probably comes closest to Bush with prior intelligence experience was Dwight Eisenhower who, as commander of Allied forces in Europe during World War II, had relied heavily on intelligence, particularly intercepted German communications, to inform strategy. As Christopher Andrew observes, Bush's "experience as DCI was to give him a clearer grasp than perhaps any previous president of what it was reasonable to expect from an intelligence estimate."[4] Ironically, Bush had accepted his appointment as DCI by President Gerald Ford with significant reservations. From his post in Beijing as chief of the U.S. Liaison Office, Bush in November 1975 telegraphed President Ford and Secretary of State Henry Kissinger his acceptance of the nomination as DCI out of a sense of duty. Bush remarked in the cable: "I do not have politics out of my system entirely and I see this as the total end of any political future."[5]

[2] Michael Herman, *Intelligence Power in Peace and War* (Cambridge, UK: Cambridge University Press, 1999), 143.

[3] Ibid., 144.

[4] Christopher Andrew, *For the President's Eyes Only: Secret Intelligence and the American Presidency from Washington to Bush* (New York: HarperPerennial, 1995), 504.

[5] "Telegram from George Bush to the President through Secretary Kissinger," 2 November 1975, George Bush Personal Papers, Subject File—China, Pre-CIA, Classified [1975–1977], George Bush Presidential Library.

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Bush proved to be less than prophetic on this score, but, as president, he personally paid close attention to intelligence and sought to integrate it into the policy-making process. Bush held a daily national security briefing at which CIA briefed him on the latest world developments. In attendance at these briefings were the President, his national security adviser Brent Scowcroft or his deputy Robert Gates—himself a former high-level CIA official and later to be DCI—his chief of staff, and once or twice per week DCI William Webster. The CIA briefer would present the PDB, a printed book, with a rundown of important intelligence reports and analyses. Bush read the PDB in the presence of the CIA briefer and Scowcroft or Gates in order to task the briefer to provide more information or have his National Security Council (NSC) staff lieutenants field policy-related questions as they emerged in the course of discussion of the intelligence briefings.[6]

The Bush administration is a particularly lucrative case for the study of the role of strategic intelligence in statecraft for several additional reasons. Most notably, the United States under Bush's leadership waged a major war in the Persian Gulf. CIA influenced the decision-making process to a degree well beyond that exercised in peacetime, because of insatiable policy-maker appetite for intelligence on Iraq and the region given the high risks to American national interests. In addition, many of the key policy makers who received a daily flood of intelligence during the war have published accounts of their time in office, which give outsiders invaluable insight into the policy-making process and can be mined for evidence of the impact of strategic intelligence on decision making. Finally, many military accounts of the war by scholars, journalists, and military officers are windows through which to view how policy makers and military commanders used intelligence during the Gulf crisis.

This article serves several purposes. First, it attempts to help fill a major gap in intelligence literature on the role of strategic intelligence in informing statecraft. Strategic intelligence in this article refers to the use of information—whether clandestinely or publicly acquired—that is synthesized into analysis and read by the senior-most policy makers charged with setting the objectives of grand strategy and ensuring that military force is exercised for purposes of achieving national interests.[7] Strategic intelligence is a tool to help ensure that civilian authorities control military means for achieving political objectives, as Clausewitz sagely wrote of war. Second, the article traces the uses and limitations of strategic intelligence in major dimensions of the Gulf War to include the warning and waging of war. The article concludes with an assessment or balance sheet of the strengths and weaknesses of strategic intelligence during the Gulf crisis. It draws insights from this case study to inform the future evolu-

[6] George Bush and Brent Scowcroft, *A World Transformed* (New York: Vintage Books, 1999), 30.

[7] For treatments of strategic intelligence, see Adda B. Bozeman, *Strategic Intelligence and Statecraft* (Washington, DC: Brassey's Inc., 1992); and Sherman Kent, *Strategic Intelligence for American World Policy* (Princeton: Princeton University Press, 1951).

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tion of American intelligence and its support of statecraft, particularly in situations where policy makers face dilemmas posed by the use of armed force.

## Warning of Invasion

American intelligence effectively tracked the physical build-up of Iraqi forces across the border from Kuwait in mid-July 1990. Details of the President's Daily Brief in the run-up to Iraq's invasion of Kuwait have not been publicly disclosed. Nevertheless, information from the National Intelligence Daily, CIA's current intelligence publication that received a wider dissemination among policy officials than the more tightly controlled PDB, has made its way into the public domain. The NID warned on 24 July that "Iraq now has ample forces and supplies available for military operations inside Kuwait" and during that day doubts grew as to whether Saddam Hussein was bluffing.[8] DCI Webster traveled to the White House on 24 July and briefed Bush on satellite imagery showing the movement of two Republican Guard divisions from garrisons in central Iraq to positions near the Kuwait border.[9] The NID on 25 July published an article "Iraq–Kuwait: Is Iraq Bluffing?" which stated that unless Kuwait meets Iraq's oil production demands—the ostensible Iraqi reason for military posturing along the border—Baghdad will step up pressure on Kuwait. The NID article, however, lacked specific intelligence on Saddam's intentions.[10] Working-level analysts at CIA—primarily in the Directorate of Intelligence's Office of Imagery Analysis (OIA) and Near East and South Asia Analysis (NESA)—were the authors of analyses published in the NID.

One high-level intelligence official on the National Intelligence Council (NIC), charged with advising the DCI, was more forward leaning than the analytic judgments published in the NID. The National Intelligence Officer (NIO) for Warning Charles Allen on 25 July issued a "warning of war" memorandum in which he stressed that Iraq had nearly achieved the capability to launch a corps-sized operation of sufficient mass to occupy much of Kuwait. The memo judged that the chances of a military operation of some sort at better than 60 percent.[11] Allen on 26 July visited NSC's senior director for the Middle East Richard Haass and briefed him with satellite imagery that showed the magnitude of Iraq's military build-up near Kuwait.[12] Allen on 1 August personally informed Haass that an Iraqi attack against Kuwait was imminent. Haass, in

[8] Lawrence Freedman and Efraim Karsh, *The Gulf Conflict, 1990–1991: Diplomacy and War in the New World Order* (Princeton: Princeton University Press, 1993), 50.

[9] U.S. News & World Report, *Triumph without Victory: The History of the Persian Gulf War* (New York: Times Books, 1993), 21.

[10] Ibid., 31–32.

[11] Charles E. Allen, "Warning and Iraq's Invasion of Kuwait: A Retrospective Look," *Defense Intelligence Journal* 7 (no. 2, 1998): 40.

[12] Michael R. Gordon and Bernard E. Trainor, *The Generals' War: The Inside Story of the Conflict in the Gulf* (New York: Little, Brown and Company, 1995), 16.

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turn, informed Scowcroft, but the White House refrained from moving to a crisis mode.[13] Other analytic voices coming from the NIC may have significantly softened the alarm of Allen's warnings in the ears of key Bush administration policy makers. The NIO for the Near East and South Asia—more directly responsible for analysis of Iraq than Allen as the NIO for Warning—wrote in a 31 July memorandum that Iraqi military action, such as seizing the Rumaila oil field straddled on the border or Kuwait islands, was likely unless Kuwait made oil concessions. The NIO for the Near East and South Asia judged, however, that a major attack to seize most or all of Kuwait was unlikely.[14]

While strategic intelligence performed well in detecting and tracking the buildup of Iraqi military hardware along the border with Kuwait, there was a dearth of human source reporting on Saddam's intentions. Such reporting was needed to give a weight of evidence to competing analytic judgments between the NIOs and the working-level CIA analysts. Although a critical mass of intelligence led CIA to conclude by the afternoon of 1 August that an Iraqi invasion was imminent, the magnitude of Iraqi invasion plans was not anticipated by working-level analysts.[15] Deputy Director for Central Intelligence Richard Kerr briefed the mainstream analytic assessment to a Deputies Committee meeting of key policy makers chaired by Undersecretary of State Robert Kimmit late in the day on 1 August. Kimmit and other participants recall that Kerr emphasized the limited land grab Iraqi option, not a massive invasion of Kuwait.[16] Other accounts stressed that Kerr emphatically told the Deputies Committee meeting that the "Iraqis were ready to move."[17]

And move they did. Iraqi forces began their invasion of Kuwait at 0100 on the morning of 2 August. The invasion was led by two Republican Guard armored divisions, the Hammurabi and the Medina, and eventually included about 140,000 troops and 1,800 tanks. The armored divisions moved rapidly to Kuwait City, while Iraqi Special Force commandos attacked the city in advance of the armored divisions. Commandos loaded on helicopters seized key positions throughout Kuwait, including Bubyian and Warba Islands in the northern Gulf. On 3 August, a Republican Guard mechanized division secured Kuwait's border with Saudi Arabia. The 16,000-man Kuwait Army was overwhelmed. Iraqi forces fully occupied Kuwait in about twelve hours.[18]

Despite CIA's intelligence warning in the week before the invasion, Iraq's behavior had defied the Agency's earlier assessments of the regime. CIA judged in a 1989 National Intelligence estimate, "Iraq: Foreign Policy of a Major Regional Power," published under NIC auspices, that Baghdad after its bloody eight-year war with Iran needed time to rest, recuperate, and rebuild both its

[13] Ibid., 5–6.
[14] Ibid., 25.
[15] Freedman and Karsh, *Gulf Conflict*, 73.
[16] Gordon and Trainor, *Generals' War*, 28.
[17] U.S. News & World Report, *Triumph Without Victory*, 33.
[18] Freedman and Karsh, *Gulf Conflict*, 67.

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conventional and unconventional military power before undertaking another major war.[19] As Michael Gordon and Bernard Trainor point out, CIA and intelligence community analysts suffered from "mirror imaging" in which they projected their own American values to the Iraqis. They assumed that because the United States had needed time to rest and rebuild after its major wars, the Iraqis would have to do the same.[20]

Iraq's situation was fundamentally different than that of the United States, however. Saddam had a large standing military and no doubt feared that demobilization would let loose unemployed and weapons-trained young men into the streets who would pose a risk to his regime. Saddam, moreover, preferred to launch a war against a minor power rather than suffer humiliation from the burden of debt that he acquired to the Gulf states during his war with Iran. Paul Wolfowitz, undersecretary of defense for policy during the Gulf War, also faulted the intelligence community for not warning the policy community about the changing character of Saddam's public statements in early 1990. He has suggested, "Somebody should have catalogued his increasingly belligerent rhetoric, compared and contrasted his statements to prior formulations, and laid out one or more plausible explanations for the change."[21]

In defense of CIA analysis though, its assessment on the eve of Iraq's invasion that Saddam would likely launch a military campaign to seize a limited piece of Kuwaiti territory was forward leaning at the time. Many of the most astute observers of Middle East politics, including Arab heads of state intimately familiar with Saddam Hussein such as King Hussein of Jordan and President Hosni Mubarak of Egypt, were predicting that Iraq was militarily posturing to politically pressure the Kuwaitis over oil production levels. King Hussein even assured President Bush in a 31 July phone conversation that the crisis between Iraq and Kuwait would be resolved without fighting. The king told Bush, "On the Iraqi side, they send their best regards and highest esteem to you, sir."[22]

A major shortcoming in warning of the Gulf war was the lack of human intelligence to help decipher Saddam's political intentions. As Norman Schwarzkopf observed after the war, "our human intelligence was poor."[23] Civilian policy makers shared his assessment of human intelligence during the war. As Secretary of State James Baker characterized the situation, "U.S. intelligence

[19] Gordon and Trainor, *Generals' War*, 9.

[20] Ibid., 11.

[21] Jack Davis, "Paul Wolfowitz on Intelligence–Policy Relations," *Studies in Intelligence* 39 (no. 1, 1995): 7.

[22] Memorandum of Telephone Conversation, "Telephone Conversation with King Hussein," 31 July 1990, OA/ID CF01043, Richard N. Haass Files, Working Files-Iraq, National Security Council, George Bush Presidential Library.

[23] H. Norman Schwarzkopf and Peter Petre, *It Doesn't Take a Hero* (New York: Bantam Books, 1992), 319.

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assets on the ground were virtually nonexistent."[24] He judged that "there wasn't much intelligence on what was going on inside Iraq."[25]

## Judging the Danger of Wider War

Notwithstanding CIA human intelligence shortcomings in warning of war, CIA's analysis was effective in gauging the magnitude of Iraq's invasion and potential repercussions on the international political landscape. At the first meeting of the NSC convened on 2 August to discuss the crisis, the tone of participants was that of accepting Iraq's invasion as a *fait accompli*.[26] CIA analysis delivered in the following NSC meeting on 3 August appears to have influenced the discussion of participants to a more assertive American policy stance. DCI Webster told the President and NSC officials that Saddam was consolidating his hold on Kuwait, and intelligence showed that he would not pull out despite Saddam's public pledges to do so in a couple of days. Webster warned that Saddam would control the second- and third-largest proven oil reserves with the fourth-largest army in the world, Kuwaiti financial assets, access to the Gulf, and the ability to devote money to a military buildup. Webster also noted that there was no apparent internal rival to Saddam's rule, and his ambition was to increase his power.[27] The NSC participants also discussed CIA analysis that argued that "the invasion posed a threat to the current world order and that the long-run impact on the world economy could be devastating. Saddam was bent on turning Iraq into an Arab superpower—a balance to the United States, the Soviet Union, and Japan."[28] As General Colin Powell, then chairman of the Joint Chiefs of Staff, recalled, Webster "gave us a bleak status report," which prompted Scowcroft to declare that "We've got to make a response and accommodating Saddam is not an option."[29]

Strategic intelligence painted a dismal picture of the threat to Saudi Arabia posed by the Iraqi military behemoth in Kuwait. Saudi forces were no match for the Iraqis, and CIA estimated that Iraqi forces could reach Riyadh—located about 275 miles south of Kuwait—in three days.[30] In the 5 August NSC meeting,

[24] James A. Baker III with Thomas M. DeFrank, *The Politics of Diplomacy: Revolution, War and Peace, 1989-1992* (New York: G. P. Putnam's Sons, 1995), 7.

[25] Ibid., 267–268.

[26] Bush and Scowcroft, *World Transformed*, 317.

[27] Ibid., 322–323. The oil-related estimates in Webster's brief probably originated in an analytic paper on world oil reserves prepared by economists in CIA's Office of Resource, Technology, and Trade. See U.S. News & World Report, *Triumph Without Victory*, 65. For a first-hand account of the NSC meeting, see Memorandum for Brent Scowcroft, "Minutes from NSC Meeting, 3 August 1990, on Persian Gulf," OA/ID CF01518, Richard N. Haass Files, Working Files-Iraq, National Security Council, George Bush Presidential Library.

[28] Bob Woodward, *The Commanders* (New York: Simon & Schuster, 1991), 237.

[29] Colin L. Powell with Joseph E. Persico, *My American Journey* (New York: Random House, 1995), 463–464.

[30] Freedman and Karsh, *Gulf Conflict*, 88.

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Webster reported that CIA was uncertain about Saddam's intentions and that it would be difficult to provide warning of an attack on Saudi Arabia. Webster remarked, moreover, that Iraqi forces were massing on the Kuwait-Saudi border, and reinforcements were on the way giving Iraq more forces in the area than were needed solely for occupying Kuwait.[31] The minutes of the 5 August NSC meeting indicate that CIA analysts were more concerned about the potential for Iraqi offensive operations into Saudi Arabia than their Defense Intelligence Agency (DIA) counterparts.[32] By Schwarzkopf's account, it was not until mid-September that intelligence showed that Iraqi forces were moving to a defensive posture in Kuwait as Republican Guard divisions pulled back from the Saudi border and were replaced by tens of thousands of infantry digging trenches and building barricades, preparing for a long siege.[33]

The debate over whether Saddam ever had designs on Saudi Arabia continues today. The Gulf War Air Power Survey (GWAPS) concluded in retrospect that it was unlikely that Iraq had intended to invade Saudi Arabia immediately after seizing Kuwait, because Iraqi forces assumed a defensive posture to hold Kuwait rather than to prepare for further land advances.[34] Nevertheless, over the medium to longer runs, had Iraq been allowed to consolidate control over Kuwait and had the United States not intervened on the ground to defend Saudi Arabia, the Kingdom would have been an attractive target of opportunity for Saddam's forces. Saudi forces standing alone would have collapsed in the face of a massive Iraqi air and ground campaign much as the Kuwaiti military had.

## Assessing Measures Short of War

In the aftermath of the Iraqi invasion, many in the United States, particularly those in the halls of Congress, were looking for American policy options short of waging war against Iraq. Many viewed economic sanctions as the best policy option to avoid the direct engagement of American troops in war overseas.

CIA analysis of international sanctions against Iraq became entangled in the policy debates taking place between the White House and Capitol Hill.[35] Webster in early August approved the dissemination of CIA's weekly reports on the effectiveness of international sanctions against Iraq to the President, De-

[31] Bush and Scowcroft, *World Transformed*, 334.

[32] Memorandum for William F. Sittman from Richard N. Haass, "Minutes of NSC Meeting on Iraqi Invasion of Kuwait, 5 August 1990," 18 August 1990, OA/ID CF00873, Richard N. Haass Files, Working Files-Iraq, National Security Council, George Bush Presidential Library.

[33] Schwarzkopf and Petre, *It Doesn't Take a Hero*, 346.

[34] Thomas A. Keaney and Eliot A. Cohen, *Revolution in Warfare? Air Power in the Persian Gulf* (Annapolis, MD: Naval Institute Press, 1995), 4. This book is an unclassified summary of the multivolume Gulf War Air Power Study led by Cohen and commissioned by Secretary of the Air Force Donald Rice in 1991.

[35] For an analysis of CIA's unique bureaucratic position, situated between the executive and legislative branches of government, see Robert M. Gates, "The CIA and Foreign Policy," *Foreign Affairs* 66 (Winter 1987/88): 215–230.

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partments of State and Defense, as well as the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence. In general, CIA analysts judged that in the short to medium terms, sanctions seemed unlikely to force Saddam out of Kuwait.[36] Webster passed along this analytic judgment when he testified to Congress in December 1990 and said that economic sanctions had little prospect for forcing Saddam to withdraw his forces from Kuwait. Webster later reiterated this assessment in a 10 January letter to Congressman Les Aspin. He wrote that "Our judgment remains that, even if the sanctions continue to be enforced for another six to twelve months, economic hardship alone is unlikely to compel Saddam Hussein to retreat from Kuwait or cause regime-threatening popular discontent in Iraq. . . . He [Saddam] probably continues to believe that Iraq can endure sanctions longer than the international coalition will hold and hopes that avoiding war will buy him time to negotiate a settlement more favorable to him."[37] To a Congress eager to seek economic sanctions as a way of escaping the hard issues raised by the prospect of sending American forces to the region, CIA's bleak analytic assessment of their efficacy was not welcome news. To his credit, Webster refused to submit to the congressional browbeating intended to force him to change the Agency's assessment.

The congressional and public discourse over the wisdom of sanctions was moot, because President Bush had already determined that war probably would be necessary. After an 11 October White House meeting, Bush and his top advisers had concluded that military action, not economic sanctions, would almost certainly be needed to evict Iraq's military from Kuwait. The President also had accepted the view of Chairman Colin Powell that airpower alone was unlikely to achieve the task.[38] Historical hindsight and the eleven-year experience with the United Nations' failure to use international sanctions to compel Saddam to alter course—particularly in regard to fully disclosing the scope of his weapons of mass destruction programs—shows that CIA's judgment that sanctions would not significantly change Saddam's political behavior was accurate.

## Gauging Conventional and Unconventional Military Capabilities

Intelligence estimates of Iraqi conventional military power stressed the mass of Iraqi ground forces coupled with their battlefield experience fighting the eight-year war with Iran. U.S. intelligence assessed that beyond the Republican Guard divisions and eight to ten regular army divisions, the quality of Iraqi divisions significantly decreased.[39] American intelligence was effective in identi-

[36] U.S. News & World Report, *Triumph Without Victory*, 150.

[37] Letter, William H. Webster to Les Aspin, 10 January 1991, OA/ID CF 01361, Virginia Lampley Files, National Security Council, George Bush Presidential Library.

[38] Gordon and Trainor, *Generals' War*, 139.

[39] Freedman and Karsh, *Gulf Conflict*, 288.

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fying the locations of these less capable regular Iraqi army units along the Kuwaiti border as well as those of the more capable Republican Guard units, which backed-up frontline forces in a strategic reserve in northern Kuwait and southern Iraq. CIA in late 1990 assessed that Iraq would defend in place, try to force the coalition into a war of attrition on the ground, and attempt to create a stalemate that would undermine American political resolve.[40] From Saddam's perspective, the strategy had proved its worth in Iraq's war against Iran. He probably judged that the United States, with its purported fear of casualties, would be even more vulnerable to the strategy than Iran had been.

The Agency correctly anticipated the impact of Iraq's Air Force on the course of battle. CIA in October 1990 assessed that "The Iraqi Air Force would not be effective because it would either be neutralized quickly by Coalition air action or it would be withheld from action in hardened shelters. Within a few days, Iraqi air defenses would be limited to AAA [anti-aircraft artillery] and hand-held and surviving light SAMs [surface-to-air missiles]."[41] The course of battle clearly showed CIA analysis to be on the mark, although it had not anticipated that many Iraqi pilots would flee with their aircrafts to Iran rather than face coalition pilots in air-to-air combat.

CIA analysis paid close attention to Iraq's unconventional weapons capabilities that Baghdad worked assiduously to hide from the world. CIA had tracked the development of Iraqi chemical weapons in the course of Baghdad's war with Teheran. CIA estimated before the war that Saddam's chemical stockpile was more than a thousand tons and included artillery rounds, bombs, and caches possibly moved into Kuwait. In fall 1990, CIA assessed that Iraq would use those stocks in the event of war with the coalition.[42] These estimates had an impact on American policy makers. As Powell recalls, "We knew from CIA estimates that the Iraqis had at least a thousand tons of chemical agents. We knew that Saddam had used both mustard and nerve gases in his war against Iran. We knew that he had used gases on Iraq's rebellious Kurdish minority in 1988, killing or injuring four thousand Kurds."[43] CIA's grasp of Iraq's biological warfare program, however, was sketchy at best. In October 1990, American intelligence warned that Iraq's biological weapons capability was sufficiently sophisticated to cause coalition casualties within four hours after the weapons were used."[44]

American intelligence had closely watched the growth of Iraq's ballistic missile capabilities, some of which were demonstrated in the missile exchanges between Baghdad and Teheran during the "war of the cities" in their eight-year struggle. Shortly before the war with the coalition, intelligence estimated that

[40] Keaney and Cohen, *Revolution in Warfare?* 108.

[41] Ibid., 108.

[42] Rick Atkinson, *Crusade: The Untold Story of the Persian Gulf War* (Boston: Houghton Mifflin, 1993), 86.

[43] Powell, *My American Journey*, 468.

[44] Atkinson, *Crusade*, 88.

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Iraq's inventory of Scud missiles was about 300–700, but it was uncertain as to how many were Soviet-supplied Scud-Bs and how many were longer-range Iraqi modified variants.[45] American intelligence also had identified twenty-eight concrete launch pads for the Scuds in western Iraq, while it estimated that Iraq had thirty-six mobile launchers, both Soviet-supplied and Iraqi manufactured.[46]

Intelligence estimates on Iraq's nuclear weapons program were less confident than on its ballistic missile programs and grew more conservative and alarmist as the eve of the coalition ground war approached. Before Iraq's invasion of Kuwait, intelligence judged that Iraq would not acquire nuclear weapons for five to ten years. In July 1990, Israel shared with Secretary of Defense Richard Cheney evidence that Iraqi work on high-speed centrifuges needed to enrich uranium for nuclear weapons was progressing fast, which in turn instigated a new American intelligence estimate. A special estimate prepared for President Bush in fall 1990 concluded that it would take Iraq six months to a year and probably longer to acquire a nuclear weapon.[47]

Postwar revelations made largely by United Nations weapons inspections teams gave a truer picture of the scope of Iraq's weapons of mass destruction programs. Despite the air campaign against Iraq's chemical weapons facilities, UN inspectors discovered about 150,000 chemical munitions that survived the war.[48] American intelligence, moreover, failed to detect prior to the war that Iraq had more than seventy chemical warheads for its Scud missiles.[49] UN inspectors helped to lift the shroud of secrecy surrounding the massive Iraqi nuclear weapons program. In January 1992, Iraq admitted having a uranium enrichment program to produce nuclear weapons. Baghdad had bought the components for as many as 10,000 centrifuges for the large-scale production of fissile material. Had Iraq's efforts not been interrupted by the war, Baghdad could have produced enough uranium for four bombs per year.[50] The GWAPS assessed that Iraq's nuclear weapons program was fiscally unconstrained, closer to fielding a nuclear weapon, and less vulnerable to destruction by precision bombing than U.S. intelligence realized before the war. The target list on 16 January contained two nuclear-related targets, but after the war, UN inspectors uncovered more than twenty sites involved in the nuclear weapons program, sixteen of which were described as "main facilities."[51]

## Controversy in War

In the midst of the air campaign against Iraq, major analytic disputes erupted between CIA civilian analysts and their uniformed counterparts in the Penta-

[45] Gordon and Trainor, *Generals' War*, 230.
[46] Ibid., 230.
[47] Freedman and Karsh, *Gulf Conflict*, 220.
[48] Keaney and Cohen, *Revolution in Warfare?* 71.
[49] Gordon and Trainor, *Generals' War*, 183.
[50] Freedman and Karsh, *Gulf Conflict*, 321.
[51] Keaney and Cohen, *Revolution in Warfare?* 67.

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gon and in Schwarzkopf's Central Command (CENTCOM) staff. The initial conflict occurred over the battle damage assessment (BDA) of CENTCOM's efforts to destroy Iraqi ballistic missiles and their mobile launchers. The political pressure on Schwarzkopf to stop Iraqi missile attacks against Israel and Saudi Arabia was intense and caused him to divert substantial military resources against the problem and away from his primary concern to prepare the theater for a ground campaign to evict Iraqi troops from Kuwait. The second controversy between CIA and CENTCOM emerged over the BDA of Iraqi ground forces, which for Schwarzkopf was a barometer for determining the kick-off of the ground campaign.

A major rift in analysis emerged during the war between CIA and CENTCOM intelligence analysts over the BDA of Iraqi Scuds and mobile launchers. During the air war in January 1991, Schwarzkopf told a television interviewer that thirty fixed Scud sites had been destroyed and that his forces may have destroyed as many as sixteen of about twenty suspected mobile launchers. Behind the scenes though, CIA heatedly contested Schwarzkopf's BDA of the Iraqi missiles and launchers. CIA analysts argued that there was no confirmation that any mobile launcher had been destroyed.[52]

The military continued to dispute CIA's analysis of the issue well after the war. Coalition aircrews reported destroying about eighty mobile launchers, while special operations forces claimed about twenty more, according to the GWAPS. Most of these reports stemmed from attacks against decoys or vehicles and equipment such as tanker trucks, which from a distance resembled Scud mobile launchers.[53] The GWAPS concluded after painstaking research that "there is no indisputable proof that Scud mobile launchers—as opposed to high-fidelity decoys, trucks, or other objects with Scud-like signatures—were destroyed by fixed-wing aircraft."[54] That judgment vindicates CIA's wartime analysis—largely conducted by its Office of Imagery Analysis—and belies the critical appraisals of CIA analysis made by Schwarzkopf and other senior commanders.

The controversy over the BDA of Iraqi ground forces had its origins in Schwarzkopf's determination that the transition from the air campaign to a ground war would occur at the point at which Iraqi ground forces had suffered a 50 percent attrition. By his own admission, the figure was solely a benchmark and not a "hard and fast rule" for gauging how much Iraqi combat power had been eroded by the air campaign. Schwarzkopf in his autobiography acknowledged that the 50 percent attrition of Iraqi order of battle was an arbitrary figure: "Pulling a number out of the air, I said I'd need fifty percent of the Iraqi occupying forces destroyed before launching whatever ground offensive we might eventually plan."[55]

[52] Atkinson, *Crusade*, 144–145.

[53] Keaney and Cohen, *Revolution in Warfare?* 73.

[54] Ibid., 78.

[55] Schwarzkopf and Petre, *It Doesn't Take a Hero*, 319.

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Nevertheless, Schwarzkopf reinforced the importance of this 50 percent figure in deliberations with his civilian policy masters, who were eager to achieve that mark and to kick off the ground war. As with many things though, the devil of this BDA benchmark was in the details. As the GWAPS points out, no one really knew what would constitute a measurable 50 percent attrition of Iraqi combat effectiveness. CENTCOM staffers merely applied the indicators to measurable military equipment such as tanks, armored personnel carriers, and artillery in the Kuwaiti theater of operations.[56]

CENTCOM was assessing in February 1991 that the air campaign was close to achieving the 50 percent attrition benchmark, but CIA analysts were substantially more conservative in their BDA of Iraqi ground forces. CENTCOM, for example, estimated in mid-February that it had destroyed about 1,700 Iraqi tanks or nearly 40 percent of Iraqi armor in the theater. CIA analysts, however, by examining satellite photography for blown tank turrets and shattered hulls could only confirm about one-third destroyed.[57]

CIA brought the discrepancy in BDA to the President's attention. In a PDB memorandum, it reported that CIA was unable to confirm all of CENTCOM's reported damage to Iraqi forces. CIA informally sent the PDB memorandum to Schwarzkopf who went into a rage, because he was about to make the decision to launch the ground attack. He viewed CIA as cynically hedging its bets and providing itself with an alibi in the event that the Iraqis inflicted heavy casualties on U.S. forces.[58]

President Bush asked Scowcroft to investigate the BDA dispute. On 21 February, Webster along with his NIO for conventional forces, retired Army General David Armstrong, met with Powell, Secretary of Defense Richard Cheney, and a CENTCOM representative. Armstrong argued that aside from the dispute over the numbers of tanks destroyed, CIA was not interested in usurping Schwarzkopf's command prerogatives. Armstrong reiterated that regardless of the tank tally, Iraq's army was "highly degraded."[59] Despite CIA's argument, Scowcroft realized that rejecting CENTCOM's BDA would signal a devastating loss of confidence in the military. He saw no political alternative but to side with CENTCOM in the dispute. Subsequently, Powell announced that CIA was not to conduct and report BDA, which set the precedent for the loss of that responsibility long after the Gulf War.[60]

Notwithstanding policy-maker difference to CENTCOM's BDA, postwar analysis showed CIA analysis to be superior. The House Armed Services Committee concluded that Schwarzkopf's BDA on Iraqi tanks was exaggerated by perhaps as much as 134 percent. For example, postwar analysis confirmed that 166 tanks from three Republican Guard divisions were destroyed, while CENT-

[56] Keaney and Cohen, *Revolution in Warfare?* 40–41.
[57] Atkinson, *Crusade*, 345.
[58] Ibid., 266.
[59] Ibid., 346.
[60] Ibid., 347.

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COM had estimated during the war that 388 had been destroyed.[61] As had been the case in the BDA of ballistic missiles, CENTCOM's overestimation of the BDA of Iraqi ground forces was in large measure due to an overreliance on pilot reports to estimate destroyed Iraqi equipment. Pilots fly high, fast, and in hostile territory under enemy fire and have only fleeting moments to see bomb impacts. They have too small an opportunity to assess damage fairly. In contrast, satellite imagery taken after the battlefield dust has had a chance to settle is a more consistently accurate means of gauging BDA.

## Drawing a Balance Sheet and Future Lessons

Before addressing the specifics of strategic intelligence performance during the Gulf War, a broad characterization of the quality of the intelligence picture at the disposal of Iraqi and American policy makers and military commanders is in order. The Iraqis, for their part, lacked an accurate strategic intelligence picture of the theater. They were blind as to the coalition force deployments that made possible the operational concept for nearly enveloping Iraqi forces in the Kuwaiti theater in the ground campaign. In marked contrast, the American intelligence community provided its consumers one of the broadest and clearest pictures of an adversary that any American president and high command has ever had in the nation's history. The United States, by Schwarzkopf's own admission during the war, had managed to identify Iraqi units "practically down to the battalion level."[62] The House Armed Services Committee concluded that American intelligence had an excellent handle on the units, locations, and equipment of Iraqi forces.[63]

That performance is hard to reconcile with the disparaging postwar assessments of CIA's performance made by Schwarzkopf and other CENTCOM commanders. One wonders what General George Patton would have given to have had a comparable picture of opposing German forces in Europe during World War II. These criticisms, moreover, neglect the fact that CIA is not designed to be a "combat support agency." CIA's charter has been to provide strategic-level intelligence primarily to civilian policy makers and not tactical intelligence to battlefield commanders. While military commanders are prone to fault CIA for perceived shortcomings, they appear reticent to fault their own military service intelligence shops and DIA whose charters are to provide tactical combat support to field commanders. Accordingly, DIA and military intelligence manpower for conducting tactical military analysis dwarfs that of CIA.

[61] U.S. House of Representatives, Committee on Armed Services, Subcommittee on Oversight and Investigations, "Intelligence Successes and Failures in Operations Desert Shield/Storm," August 1993, 4 and 31. Hereafter cited as House Report. CIA published an unclassified study "Operation Desert Storm: A Snapshot of the Battlefield" in September 1993, which graphically depicts the highlights of battle in the Kuwait theater of operations.

[62] Powell, *My American Journey*, 474.

[63] House Report, 4.

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The House Armed Services Committee noted that at the height of the Gulf War, about one-third of DIA's several thousand employees were assisting the war effort, a number that exceeds CIA's total analytic workforce.[64]

These observations aside, what does a balance sheet of American strategic intelligence during the Gulf War look like? On the plus side, CIA's analysis gave warning of war days before Iraq's invasion of Kuwait. CIA analysis gauged fairly well the threat posed to Saudi Arabia by a potential follow-on Iraqi attack, an assessment that probably had a major influence on the Bush administration's decision to counter and reverse Iraq's military land grab. CIA accurately assessed the dim prospects for international economic sanctions compelling Saddam to withdraw his forces from Kuwait. The international sanctions that have been on Iraq since the Gulf War have yet to compel Saddam to comply with UN demands, and it is doubtful that sanctions would have forced him to vacate Kuwait without war.

In hindsight, CIA analysts—in many cases imagery analysts—scored high marks for making accurate BDA of ballistic missile capabilities and the attrition of Iraqi ground forces even though their analysis is much maligned in the common wisdom of the lessons of the war perpetuated by military commanders. A small group of CIA imagery analysts stood alone in informing civilian policy makers that, contrary to Schwarzkopf's extravagant claims, CENTCOM had not destroyed a single Scud missile or launcher during the war. CIA's BDA, which caused substantial controversy toward the eve of the ground war, was proved with postwar analysis to be much closer to ground truth than CENTCOM's inflated BDA of Iraqi forces.

Strategic intelligence in the Gulf War has a fair number of entries in the debit side of the balance sheet. The greatest weakness of CIA's performance was its lack of human assets inside the Iraqi regime able to report on Saddam's plans and intentions. As Christopher Andrew points out, "Though a limited number of agents had been recruited in Iraqi diplomatic and trade missions abroad, none seems to have had access to Saddam's thinking or to his inner circle."[65]

The lack of human intelligence contributed to an inadequate assessment of the magnitude of Iraq's ballistic missile and weapons of mass destruction capabilities. The House Armed Services Committee judged that the intelligence community had a good estimate of Iraqi chemical weapons, while it was hard to assess the performance on the biological warfare program because the UN had extracted very little information from the Iraqis on that issue. A debate also continues as to how many ballistic missiles and mobile launchers Iraq could have preserved during the war. Strategic intelligence performed badly against Iraq's nuclear weapons program. The House Armed Services Committee report assessed that American intelligence was unaware of more than 50 percent of all major nuclear weapons installations in Iraq.[66] To fill in the intelligence

[64] House Report, 7.

[65] Andrew, *For the President's Eyes Only*, 533.

[66] House Report, 30.

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gaps created by poor human intelligence, moreover, CIA analysts resorted to mirror imaging, which led analysts to judge that Iraq would only go for a limited land grab against Kuwait instead of an all-out occupation.

The poor human intelligence performance is not a lone incident in CIA's history. CIA has traditionally performed poorly in human operations against the United States's most ardent adversaries. In evaluating the performance of human intelligence one should point out the distinction that many intelligence professionals and scholars make between secrets and mysteries. Secrets are facts that can be stolen by human intelligence collectors. Mysteries, on the other hand, are projections of the future that are less vulnerable to human collection and tend to be the bailiwick of analysis.[67] As Gates reflects on CIA's human intelligence operations for gaining access to the intentions of our adversaries during the cold war, "We were duped by double agents in Cuba and East Germany. We were penetrated with devastating effect at least once—Aldrich Ames—by the Soviets, and suffered other counterintelligence and security failures. We never recruited a spy who gave us unique political information from inside the Kremlin, and we too often failed to penetrate the inner circle of Soviet surrogate leaders."[68] CIA has done a better job of human operations against lesser nation-state threats and at stealing technical secrets, but has failed too often in the human intelligence game against the intentions of the most formidable risks to American security. With the benefits of time, hindsight, and independent review, the lack of robust human intelligence sources is likely to be found as one of the prime root causes of the intelligence failure witnessed on 11 September 2001 in New York and Washington.

In the post-cold war age, American security has a narrower margin for error because of technological advances that allow nation-states as well as nonstate actors to project force farther and weapons of mass destruction that allow them to strike with more devastating effects. In this environment, the United States needs to rectify the substantial shortcomings in human intelligence collection operations if it is to successfully deal with issues of war and peace in the future. CIA must reform and make qualitative improvements in its human intelligence operations to increase the odds that American policy makers and military commanders will have access to the thoughts and intentions of their adversaries. Even if the intentions of U.S. adversaries prove elusive and remain hidden, a critical task for human intelligence is to illuminate the policy pressures at play on foreign leaders and to help analysts narrow the range of ambiguity for American policy makers. Substantially improved human intelligence capabilities will help ensure that in the event of a future war with Iraq or any other adversary armed with ballistic missiles and weapons of mass destruction (WMD) the United States has

[67] The author is indebted to Robert Gates for reminding him of this important distinction. For a discussion of the role of secrets and mysteries in intelligence estimates, see Joseph S. Nye, Jr., "Peering into the Future," *Foreign Affairs* 73 (July/August 1994): 82–93.

[68] Robert M. Gates, *From the Shades: The Ultimate Insider's Story of Five Presidents and How They Won the Cold War* (New York: Simon and Schuster, 1997), 560.

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the strategic intelligence needed to target WMD assets before these weapons are used against American troops and citizens.

A Gulf War legacy that must be redressed is the removal of a civilian check of military BDA in wartime. The civil-military intelligence controversies that emerged during the Gulf War were reminiscent of arguments during the Vietnam War, in which civilian CIA analysts were more objective than the politically and operationally tainted analyses coming from DIA and military intelligence services. Since the Gulf War, CIA has been relieved of any responsibility for BDA, and its once impressive imagery analytic capabilities have been stripped from the Agency and moved to the National Imagery and Mapping Agency, a designated combat support agency controlled by the Pentagon. To ensure that accurate and objective strategic intelligence reaches senior civilian policy makers, CIA needs to resume its exercise of independent imagery analysis and again be charged with critical reviews of military intelligence analyses in peace and war to avoid future policy debacles like those suffered—although increasingly forgotten—during the Vietnam conflict. The absence of an independent civilian analytic check on military intelligence threatens American civilian control of the military instrument for political purpose.*

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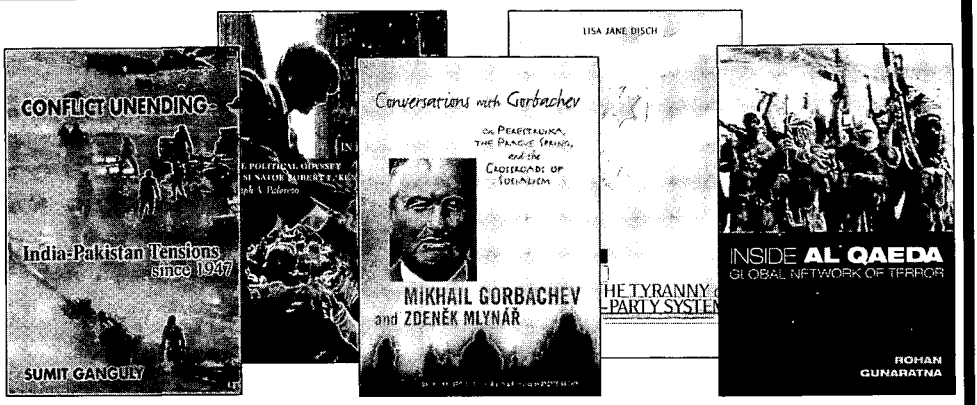


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# North Korea's Weapons of Mass Destruction: Badges, Shields, or Swords?

VICTOR D. CHA

On the morning of 30 January 2002, wire reports, television news, and internet chat rooms throughout Asia were abuzz with speculation about phase two of the United States war against terrorism coming to the Korean peninsula. The previous evening, President George W. Bush in his State of the Union address outlined the U.S. mission beyond Afghanistan to include not only the termination of terrorist threats beyond al Qaeda networks, but also the prevention of links between these threats and regimes in an "axis of evil" enumerated as North Korea, Iraq, and Iran, that seek weapons of mass destruction (WMD) to threaten the United States and its allies.[1] Contrary to concerns expressed by many different media circles, the axis of evil speech did not signal imminent military action against the Democratic People's Republic of Korea (DPRK or North Korea). The President calmed any such concerns during his summit meetings with Japanese, Chinese, and especially South Korean leaders shortly after the speech.[2] The axis of evil statement, however, did intimate a harder-line policy toward North Korea at odds with the engagement or "sunshine" policy of ally South Korea. Also, the speech made clear the priority placed by the Bush administration on countering WMD threats as an integral, if not central, component of the post-September 11 American security agenda.

[1] Text available at http://www.whitehouse.gov/news/releases/2002/01/20020129-11.html, 28 February 2002.

[2] See "Remarks by President Bush and President Kim Dae-Jung in Press Availability—Seoul, Korea, 20 February 2002," White House Office of the Press Secretary, Washington, DC. (http://www.whitehouse.gov/news/releases/2002/02/20020220-1.html), 24 February 2002.

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These developments point to the renewal in coming months of an acerbic debate that took place at the end of the Clinton administration over the merits of engaging or containing the DPRK. Although the Bush administration's initial review of North Korea policy in June 2001 recommended unconditional engagement with Pyongyang on a broad range of issues including its suspected nuclear weapons program, ballistic missile production and export, and its conventional force posture on the peninsula,[3] this position is far from a conclusive one given the well-known skepticism of North Korean intentions expressed in the Bush's axis of evil speech as well as other statements by administration officials. A confluence of forces, moreover, adds to the likely reemergence of North Korea as a front-burner foreign policy issue after a period of calm and relative stasis in 2000–2001, following the unprecedented thaw created by the summit meeting between the South and North Korean leaders, Kim Dae Jung and Kim Jong Il in June 2000, and by the visit of U.S. Secretary of State Madeleine Albright to Pyongyang in October 2000. The standing nonproliferation agreement between the United States and the DPRK, the 1994 nuclear Agreed Framework, soon reaches critical implementation stages that will test the intentions of both parties and raises debates about American revision or abandonment of the agreement. A presidential election in South Korea in December 2002 has already sparked a contentious debate over the current government's sunshine policy. Japan's normalization talks with North Korea remain stalled since winter 2000 with no sign of resolution. Finally, Kim Jong Il's self-imposed missile testing moratorium, which was contingent on continued progress in U.S.–DPRK dialogue, ends in December 2002.[4]

Engagement with the DPRK, proponents argue, will avert crisis. Carrots in the form of normalized political relations, economic aid and investment, and mutual tension reduction will reduce North Korea's insecurity and offer a path of reform for an end to the proliferation threat and other belligerent DPRK behavior.[5] Skeptics of engagement do not believe that the regime's revisionist

[3] For the June 2001 policy review see "Statement by the President," White House Office of the Press Secretary, 13 June 2001 (http://www/whitehouse.gov/news/releases/2001/06/20010611-4.html), 28 February 2002.

[4] See Michael May, ed., *Verifying the Agreed Framework* (Lawrence Livermore National Laboratory, Center for Global Security Research and Center for International Security and Cooperation, Stanford University, April 2001), UCRL-ID-142036 CGSR 2001-001; Donald Gregg, "Collateral Damage in Korea," (http://www.koreasociety.org/TKSQ.html.), *Korea Society Quarterly* (Fall 2001), 25 January 2002; and Hoi-Chang Lee, "Korea at the Crossroads: The Challenges Ahead" (American Enterprise Institute-Heritage Foundation speech delivered at the St. Regis Hotel, Washington, DC, 23 January 2002).

[5] Representative arguments include Leon V. Sigal, *Disarming Strangers: Nuclear Diplomacy with North Korea* (Princeton: Princeton University Press, 1998); Dong-Won Lim, "Inter-Korean Relations Oriented toward Reconciliation and Cooperation," *Korea and World Affairs* 16 (Summer 1992): 213–223; Selig S. Harrison, "The Missiles of North Korea," *World Policy Journal* 17 (Fall 2000): 13–24; Harrison, "Promoting a Soft Landing in Korea," *Foreign Policy* 106 (Spring 1997): 57–76; Bruce Cumings, "Missile Launch Is a Shot over the U.S. Bow," *Los Angeles Times*, 2 September 1998; Soon-Young Hong, "Thawing Korea's Cold War," *Foreign Affairs* 78 (May/June 1999): 8–12; David C. Kang, "We Should Not Fear the North Koreans," *Los Angeles Times*, 13 June 2000; Steven Mufson, "Threat

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intentions will change, and therefore the offer of economic and diplomatic carrots only strengthens the hardliners in Pyongyang, exemplifies Western weakness (in DPRK eyes), and ultimately strengthens a regime bent on overturning the status quo on the peninsula. As Douglas Paal has argued, the policy amounts to "conditional appeasement" that does not produce observable change for the better in the DPRK.[6] Rather than rehash the engagement-containment debate, this article tries to address a prior and axiomatic question. The very existence of a vigorous policy debate in Washington, Seoul, and Tokyo indicates not consensus but a fundamental absence of agreement on the nature of the threat that emerges from the DPRK. I take the primary agent of the DPRK "threat" in the post-cold war era—the nuclear weapons program—and seek to explain the context of DPRK weaponization. In short, are these weapons basically built out of insecurity, metaphorically as shields to ensure against acts by the United States and others to crush the regime? Or are they swords built for aggressive and revisionist purposes? Or are these programs essentially badges or symbols of prestige for an otherwise bankrupt regime?[7]

The answers to these questions lie in an investigation of strategic doctrine. It is only by understanding the doctrine in which this weapons capability is em-

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of 'Rogue' States: Is It Reality or Rhetoric?" *Washington Post*, 29 May 2000; Hazel Smith, "Bad, Mad, Sad, or Rational Actor? Why the 'Securitization' Paradigm Makes for Poor Policy Analysis of North Korea," *International Affairs* 76 (January 2000): 111–132; Michael Gordon, "How Politics Sank Accord on Missiles with North Korea," *New York Times*, 6 March 2001; Chung-in Moon and David I. Steinberg, eds., *Kim Dae-jung Government and Sunshine Policy: Promises and Challenges* (Seoul: Yonsei University Press, 1999); Donald Gregg and James Laney, "Don't Dismantle the Nuclear Framework on Korea," *Washington Post*, 21 September 1998; David I. Steinberg, "A Wrench in the Korean Peace Machinery," *International Herald Tribune*, 1 February 2002; and Michael O'Hanlon, "Choosing the Right Enemies," *New York Times*, 6 February 2002.

[6] Douglas Paal, "Achieving Korean Reunification" in Nicholas Eberstadt and Richard Ellings, eds., *Korea's Future and the Great Powers* (Seattle: University of Washington Press, 2001), 305. Other arguments in this vein include Chuck Downs, "Discerning North Korean Intentions" in Eberstadt and Ellings, *Korea's Future*, 88–105; "Sound the Alarm: Defector says North Korea is Preparing for War," *The Economist*, 26 April 1997; Fred Iklé, "U.S. Folly May Start Another Korean War," *Wall Street Journal*, 12 October 1998; William Taylor, "The Best Strategy is to Do Nothing," *Los Angeles Times*, 2 September 1998; James Risen, "CIA Sees a North Korean Missile Threat," *New York Times*, 3 February 1999; "Sunshine or Moonshine," *Wall Street Journal*, (editorial) 2 March 1999; North Korea Advisory Group, *Report to the Speaker, U.S. House of Representatives*, November 1999, (http://www.house.gov/international_relations/nkag/report.htm), 3 January 2000; Stephen Bradner, "North Korea's Strategy," in Henry Sokolski, ed., *Planning for a Peaceful Korea* (Carlisle, PA: Strategic Studies Institute, 2001), 23–82; Joseph Bermudez and Sharon Richardson, "The North Korean View of the Development and Production of Strategic Weapons Systems," in Sokolski, *Planning*, 83–112; Nicholas Eberstadt, *The End of North Korea* (Washington, DC: AEI Press, 1999); Henry Sokolski and Victor Gilinsky, "Bush is Right to Get Tough with North Korea," *Wall Street Journal*, 11 February 2002; and Margaret Thatcher, "Advice to a Superpower," *New York Times*, 11 February 2002.

[7] I focus primarily on nuclear doctrine rather than the entire portfolio of weapons of mass destruction. Doctrine or strategies for each of these weapons is different and cannot be generalized under a nuclear doctrine. I do include implicitly the ballistic missile program as delivery vehicles for nuclear warheads.

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bedded that we can obtain a better sense of how threatening the DPRK may be. For example, if such weapons are developed outside of any semblance of a larger military doctrine, then the likelihood of their random and/or irrational use as weapons of terror is higher and more threatening. But if nuclear and missile weaponization are part of a larger military strategy, then a margin of rationality and predictability obtains with regards to the potential use of such weapons.[8] Better insights into DPRK strategic doctrine, moreover, shed light on two important issues for policy makers: the potential effectiveness of engagement strategies to address the WMD threat; and the likelihood that such capabilities could be rolled back. If the DPRK nuclear program is integral to a defensive/deterrence-based doctrine, then engagement strategies aimed at reducing DPRK insecurity would be warranted: moreover, providing incentives to roll back those capabilities might work. However, if DPRK nuclear weapons are part of a revisionist doctrine, then engagement will fail and rollback will be impossible. The nature of this exercise, given the black box of DPRK intentions, is necessarily a deductive one.[9] I begin with a brief discussion of how others have assessed the DPRK's WMD threat, followed by some elementary theoretical background to explain the importance of strategic doctrine as providing insight into intentions. I then investigate, as a first cut, the regime's overall objectives. The second cut is to understand nuclear and missile weaponization in the context of these objectives. The third analytical cut is to understand any contradictions in the doctrine and the implications for my assessment of the DPRK threat.

## WMD Threats and Doctrine

There is no dearth of arguments or scenarios about the ways in which North Korea's WMD capabilities might be threatening. Pyongyang might employ nuclear weapons and ballistic missiles as part of an attempt to overrun the peninsula again; but in the interim, it might utilize strategic deception to lull South Korea and the United States into believing it is interested in a deal on non-

[8] This argument does not deny that even a wholly defensive doctrine by a small nuclear power like North Korea can still be threatening in terms of the dangers associated with poor safeguards and accidents often cited about fledgling nuclear programs. On the other hand, given recent revelations regarding the superpowers' nuclear programs during the cold war, there is growing debate about whether such safety arguments are any more applicable to Third World proliferation than they were to the First World. See Waltz's arguments in Kenneth Waltz and Scott Sagan, *The Spread of Nuclear Weapons: A Debate* (New York: Norton, 1996); Peter Feaver, "Optimists, Pessimists, and Theories of Nuclear Proliferation Management," *Security Studies* 4 (Summer 1995); and Ahmed Hashim, "The State, Society, and the Evolution of Warfare in the Middle East," *Washington Quarterly* 18 (Autumn 1995); and Avery Goldstein, *Deterrence and Security in the 21st Century* (Stanford, CA: Stanford University Press, 2000), 276–79.

[9] The propositions I derive here would have to be confirmed by rigorous empirical investigation of DPRK military writings. Nevertheless, I believe this is a useful exercise that provides a testable framework for understanding weaponization choices by the DPRK.

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proliferation and tension reduction.[10] Another view, consonant with many reports about DPRK dictator Kim Jong Il before the summit with South Korea in June 2000, argues that the reclusive leader is irrational, unpredictable, and mad enough to use these weapons without probable cause. A third view posits that the threat stems primarily from the DPRK state's collapse or implosion resulting either in the problem of "loose nukes," inadvertent detonation, or accidental use of these weapons.[11] Finally, Kim Jong Il might strike out with these capabilities in a last-gasp act of desperation if the regime faces imminent extinction or perceives an imminent attack.[12]

These are all plausible and real concerns. However, probability estimates for these scenarios generally focus on variables like the regime's viability, the sanity of the leadership, and the strength of U.S.–ROK (South Korea) defense and deterrence capabilities on the peninsula. Assessing the true threat posed by these weapons, however, is a function of two additional factors. First, as Robert Jervis has argued, the offensive or defensive nature of the weapons in question is an important determinant of the security dilemma and, derivatively, the level of threat.[13] Weapons systems that are defense-oriented (fortifications, trenches, short-range fixed artillery sites, recessed force deployments) are less likely to generate insecurities among other states while contributing to the security of arming states. On the other hand, a state's buildup of offensive weapons generates acute security dilemmas and threat perceptions, because potential expansionist intentions behind the buildup cannot be ruled out by the state's competitors. Second, if weapons cannot be clearly distinguished for offensive or defensive purposes,[14] then transparency regarding the threat will hinge on

[10] See Eberstadt, *The End of North Korea*; and Chuck Downs, *Over the Line: North Korea's Negotiating Strategy* (Washington, DC: AEI Press, 1999).

[11] On these two views, see Jonathan D. Pollack and Chung Min Lee, *Preparing for Korean Unification: Scenarios and Implications* (Santa Monica, CA: RAND, 1999); Thatcher, "Advice to a Superpower"; Aidan Foster-Carter, "North Korea: All Roads Lead to Collapse" in Marcus Noland, ed., *Economic Integration of the Korean Peninsula* (Washington, DC: Institute for International Economics, 1998); and Edward Olsen, "Coping with the Korean Peace Process: An American View," *Korean Journal of Defense Analysis* 9 (Winter 1997).

[12] On the desperation thesis, see Michael Green, "North Korean Regime Crisis: U.S. Perspectives and Responses," *Korean Journal of Defense Analysis* 9 (Winter 1997); Olsen, "Coping with the Korean Peace Process"; Don Oberdorfer, *The Two Koreas: A Contemporary History* (Reading, MA: Addison-Wesley, 1997), 314; and Victor D. Cha, "Engagement and Preventive Defense on the Korean Peninsula," *International Security* 27 (Summer 2002, forthcoming).

[13] Robert Jervis, "Cooperation Under the Security Dilemma," *World Politics* 30 (January 1978): 167–214; also see John Herz, *Political Realism and Political Idealism* (Chicago: University of Chicago Press, 1951); and Nicholas Wheeler and Ken Booth, "The Security Dilemma" in John Baylis and N. J. Rengger, eds., *Dilemmas of World Politics* (Oxford, UK: Clarendon Press, 1992): 29–60. This is admittedly a pared down version of the argument, largely for the purpose of illustrating to the nonsecurity expert the importance of doctrine in understanding and assessing threats.

[14] For example, tanks are slow and relatively immobile, but they can be used for offensive purposes. Surface-to-air missiles are notionally defensive weapons; but depending on who uses them, they can be seen as offensively intended. Nuclear weapons can be used for offensive (first-strike) or defensive (assured second-strike) purposes.

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the doctrine in which the weapons systems are embedded.[15] Whether a given weapon is offensive or defensive greatly depends on the context and circumstances of its use, and often the best indicator of this context is the military doctrine under which the system operates.

## *Weapons for What Purpose?*

Given the importance of strategic doctrine in assessing the WMD threat posed by a state, the next step is to locate a better understanding of a state's pronouncements and writings on the topic. For the declared nuclear powers, this doctrine is usually established, public, and fairly transparent.[16] However, in the case of a proliferating country like North Korea, the task is doubly difficult, because transparency is minimal and the stakes are very high. The government of North Korea does not release any official statements on its nuclear weapons or ballistic missile programs. This stands in stark contrast to another new proliferator, India, which after its nuclear tests released statements explicating the doctrine (however faulty) in which these new capabilities were embedded. Thus, in the opaque case of North Korea, the first step in learning its strategic doctrine might be to understand the government's predominant political objectives. Strategic doctrine and the regime's national objectives are likely to be linked. The *Juche* ideology of "self-reliance" is the most known aspect of North Korea's national strategy.[17] At a minimum, one could posit that a primary political goal of the DPRK regime and its *juche* strategy is state survival and protection of national sovereignty, given the deteriorating domestic and geostrategic conditions since the end of the cold war.

This may appear obvious, but it was a goal taken for granted by the North until the 1990s. From the outset of the regime's creation in 1948, the primary national goal was not merely state survival and protection of sovereignty, but "victorious unification" (*songong t'ongil*) over the rival regime in the South.[18]

[15] As Eyre, Suchman, and Alexander note, "[T]echnology is never just technology, . . .every machine has a socially constructed meaning and a socially oriented objective and the incidence and significance of technological developments can never be fully understood or predicted independently of their social context." Cited in Dana Eyre and Mark Suchman, "Status, Norms and the Proliferation of Conventional Weapons" in Peter Katzenstein, ed., *The Culture of National Security* (New York: Columbia University Press, 1996), 86. Also see Robert O'Connell, "Putting Weapons in Perspective," *Armed Forces and Society* 9 (1983).

[16] See Goldstein, *Deterrence and Security.*

[17] Robert Myers, *Korea in the Cross Currents* (New York, M. E. Sharpe, 2000), chap. 9; Eberstadt, *The End of North Korea*; *Juche! The Speeches and Writings of Kim Il Sung*, foreword by Eldridge Cleaver (New York: Grossman Publishers, 1972); and Han S. Park, ed., *North Korea: Ideology, Politics and Economy* (New York: Prentice-Hall, 1996).

[18] For some of the classic works on North Korea during the cold war, see Dae-Sook Suh, *Kim Il Sung: The North Korean Leader* (New York: Columbia University Press, 1988); B. C. Koh, *The Foreign Policy Systems of North and South Korea* (Berkeley: University of California Press, 1984); Robert Scalapino and Chong-Sik Lee, *Communism in Korea* (Berkeley: University of California Press, 1972); and Bruce Cumings, *Korea's Place in the Sun* (New York: Norton, 1997).

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Moreover, most economic and military indicators of relative state power substantiated such a goal. Throughout the first three decades of the cold war, the two regimes faced off as relative equals with each buttressed by security guarantees from its great-power patrons. From the early 1960s to 1970s, North Korean gross national product per capita and conventional military capabilities rivaled, if not surpassed, that of its southern counterpart.[19] This relative equality enabled each regime its particular vision of unification, which essentially meant domination of one over the other.

Today, despite rhetoric to the contrary, North Korea no longer sees overthrow of the South and unification of the peninsula as a realistic objective. By the 1990s, an enormous and insurmountable gap emerged between the two countries. Annual 8 percent growth in the ROK (before the 1997 Asian financial crisis) versus successive years of 3–8 percent negative growth in the North between 1991 and 1998 resulted in a nearly twenty-fold gap in the gross domestic product of the two economies and a ratio of South to North per capital income as high as 11:1.[20] Although Pyongyang clings to *juche* and visions of hegemonic unification, even staunch ideologues like Hwang Jang-yop admitted after defecting in 1997 that a communist revolution in the South is no longer a viable DPRK objective.[21] In a similar vein, a low-key but very significant event at the September 1998 session of the Supreme People's Assembly (1st session, 10th term) was abolition of the Unification Committee.[22] Propaganda emanating out of Pyongyang under Kim Jong Il, while still promoting strict adherence to "revolutionary traditions," increasingly admits that "existing theories" may not be sufficient to deal with new problems and developments. Russian observers note that among the core principles that have made up the *juche* ideology, emphasis has shifted over the past year from universal "communization" to "self-dependency" as the ultimate revolutionary goal.[23] The government-run newspaper, *Nodong Sinmun*, in a moment of candor at the end of 2000 admitted how much national goals had changed: "The masses' independent demands grow higher ceaselessly with the times as the revolution develops. . . . Should

[19] For economic data, see Bruce Cumings, *The Two Koreas*, Foreign Policy Association, Headline Series No. 269 (May/June 1984): 65–66. The North Korean military grew from 300,000 to over one million troops over the two decades. See Nicholas Eberstadt, "'National Strategy' in North and South Korea," National Bureau of Asian Research, *Analysis* 7 (no. 5, 1996), 10, 12.

[20] For other figures, see Marcus Noland, "Economic Strategies for Unification" in Nicholas Eberstadt and Richard Ellings, eds., *Korea's Future and the Great Powers* (Seattle: University of Washington Press, 2001), 199–202; Pollack and Lee, *Preparing for Korean Unification.*

[21] See Oberdorfer's recounting of conversations between Hwang and Selig Harrison in Don Oberdorfer, *The Two Koreas*, (New York: Addison-Wesley, 1998), 401. Also see Hwang's interview in Myers, *Korea in the Cross Currents*, 140–45.

[22] Inter-Korean matters have been subsumed nominally under the party central committee. See "The DPRK Report," No. 14 (September-October 1998), (Ftp://ftp.nautilus.org/napsnet/RussiaDPRK/DPRK_Report_14.txt), March 2002.

[23] "The DPRK Report," no. 7 (May-June 1997), (Ftp://ftp.nautilus.org/napsnet/RussiaDPRK/DPRK_Report_7.txt), 1 March 2002.

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the regime fail to strengthen and develop fast enough to meet the masses' incessantly growing independent demands, the people would turn their back on it and eventually it would collapse."[24] As one expert noted, "[t]hirty years ago a very different verdict on the national strategies of the two Koreas might have been rendered. . . . [T]he North Korean goal of enforcing a Socialist unification upon the South was no mere pipedream."[25] Now, Pyongyang's end game has changed from one of hegemonic unification to basic survival.

## Shields?

If one can posit that a critical DPRK national objective is state survival, then insight into the DPRK's strategic doctrine is best broached first by understanding how nuclear proliferation and this survival objective are interlinked. This question is a fundamental one that often gets lost in the debates about the nuclear program, which have fixated on quantities of weapons-grade plutonium accumulated and whether or not the North already has a bomb, rather than on the context of weaponization.[26] If the regime's objective is survival, then one line of argument would posit that the North seeks nuclear weapons as a deterrent. If the DPRK case is typical of new, small and medium-size proliferation in the "second" nuclear age, then the "rules" regarding proliferation and deterrence are substantially different from the first nuclear age.[27] The rationale behind proliferation is not based on achieving assured second-strike capabilities as the backbone of stable deterrence, as was the case between the United States and Soviet Union. Instead, what appears to be the operative doctrine for smaller nuclear powers is existential deterrence: ". . . the mere existence of nuclear forces means that, whatever we say or do, there is a certain irreducible risk that an armed conflict might escalate into a nuclear war. The fear of escalation is thus factored into political calculations: faced with this risk, states are more cautious and more prudent than they otherwise would be."[28] Security for the proliferator is therefore achieved not through assured second-strike capability but by creating "first-strike uncertainty." Deterrence and security derive from hav-

[24] Chong-Mi Kim, "The Sagacious Leadership that Keeps Strengthening the People's Regime in Compliance with the Requirements of the Developing Revolution," *Nodong Sinmun*, 27 December 2000 in *Foreign Broadcast Information Service - East Asia* 2001–0117, 27 December 2000.

[25] Eberstadt, "National Strategy," 23; also see Adrian Buzo, *Guerilla Dynasty* (Boulder, CO: Westview, 1999), chap. 8.

[26] For a good critical survey of these debates and speculations, see Sigal, *Disarming Strangers*.

[27] Victor D. Cha, "The Second Nuclear Age: Proliferation Pessimism versus Sober Optimism in South Asia and East Asia," *Journal of Strategic Studies* 24 (December 2001): 79–122.

[28] Marc Trachtenberg, "The Influence of Nuclear Weapons in the Cuban Missile Crisis," *International Security* 10 (Summer 1985): 139; also see McGeorge Bundy, "Existential Deterrence and its Consequences" in Douglas MacLean, ed., *The Security Gamble: Deterrence Dilemmas in the Nuclear Age* (Totowa, NJ: Rowman and Littlefield, 1984), 3–13; and Devin Hagerty, *The Consequences of Nuclear Proliferation: Lessons from South Asia* (Cambridge, MA: MIT Press, 1998), 26.

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ing just enough capabilities to raise uncertainty in the mind of the opponent so that it cannot neutralize you with a first strike.[29]

What are some of the parameters by which one could test whether the North's nuclear program is driven by an existential deterrent doctrine? The first are material constraints. Existential deterrent doctrines (as opposed to stable deterrence doctrines) are most likely among proliferating states that are small, limited in resources, and with proximate adversaries. The DPRK's well-documented economic difficulties in the 1990s impose severe resource constraints on closing gaps with rival competitors through modernization and a buildup of conventional forces. As Avery Goldstein argues, the self-help imperatives of anarchy also render reliance on allies for security an unattractive proposition (when abandonment fears are high) or an unfeasible one (when allies do not exist).[30] Nuclear weapons, therefore, offer the most efficient means by which to optimize security needs, abandonment fears, and resource constraints. Nuclear weapons are also more "fungible" than conventional forces in the sense that they remain relevant security assets in most cases regardless of wholesale changes in future adversaries or contingencies.[31] If programs are developed under a veil of secrecy, this often signals existential deterrence, because opacity generates worst-case assessments that tend to err on the side of caution (hence increasing first-strike uncertainty). If the nuclear arsenals are small, inaccurate, and countervalue-oriented, this usually indicates a doctrine not based in nuclear war-fighting or second-strike capabilities.

There is some evidence to suggest DPRK interest in nuclear weapons as part of an existential deterrent doctrine.[32] The geostrategic situation from the

[29] The precedent for this form of deterrence had already been set by the second-tier nuclear powers in the first nuclear age. As Goldstein's study shows, existential deterrent doctrines were what drove China, Britain, and France's pursuit of an independent but not second-strike assured nuclear deterrent against their respective superpower adversaries. See Goldstein, *Deterrence and Security*, 44–46. This argument does not deny the vigorous debate on whether existential deterrence is stable, nor does it deny the debates about the safety of small nuclear programs. Illustrative of these arguments, see Waltz and Sagan, *The Spread of Nuclear Weapons*; Peter Feaver, *Guarding the Guardians: Civilian Control of Nuclear Weapons in the United States* (Ithaca, NY: Cornell University Press, 1992); Bruce Blair, *The Logic of Accidental Nuclear War* (Washington, DC: Brookings, 1993); Scott Sagan, *The Limits of Safety: Organizations, Accidents, and Nuclear Weapons* (Princeton: Princeton University Press, 1994); and David Karl, "Proliferation Pessimism and Emerging Nuclear Powers," *International Security* 21 (Winter 1996/97): 87–119. The point is that pursuit of weaponization by small powers like the DPRK may be based in a belief in the efficacy of existential deterrence, regardless of whether this is correct or not.

[30] Goldstein, *Deterrence and Security*, 225; also see Sagan's "security model" in "Why Do States Build Nuclear Weapons?" *International Security* 21 (Winter 1996/97): 54–86; and John Deutsch, "The New Nuclear Threat," *Foreign Affairs* 71 (Fall 1992).

[31] For further discussions on the relative advantages of nuclear over conventional deterrents, see Goldstein, *Deterrence and Security*, 35–40, 54–55.

[32] A peaceful uses of atomic energy agreement between the United States and the Soviet Union in the 1960s enabled North Korea to develop a small nuclear research reactor and a basic understanding of nuclear physics, engineering, and reactor operations. Pyongyang's nuclear industry was capable of supporting a complete nuclear fuel cycle by the 1980s. Subsequent reactors (an operational five megawatt reactor and construction of 50 and 200 megawatt reactors) presaged an annual reprocessed plutonium production capacity that could sustain an excess of ten nuclear weapons. While these activities

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early-1990s (when revelations about the nuclear program became front page news) shifted heavily against the North and in favor of its southern rival. Pyongyang's primary cold war patron, the Soviet Union, ceased to exist. Its successor state in Russia normalized relations with Seoul in September 1990 and declared that it would not honor Soviet cold war security guarantees to DPRK defense. Pyongyang's other critical patron, China, sought diplomatic normalization with South Korea in 1992 and also disavowed its "as close as lips to teeth" cold war security relationship with the North. Thus, in a period of three years between 1989 and 1992, the world, as Pyongyang knew it since 1948, changed beyond recognition. Such changes dictated some form of self-help security solution beyond relying on allies. In addition, the insurmountable gap in capabilities with the ROK that emerged at the end of the cold war made regime salvation paramount. Consequently, as one long-time DPRK expert asserts, "The growing political, economic, and military imbalance between the North and South almost forces [the DPRK] to produce nuclear weapons for survival and for security. It is the only alternative to guarantee North Korea's own style of socialism and to insure the continuation of Kim Il Sung's dynasty.[33] The nuclear program was developed with a premium on opacity, and even the most generous estimate would put the arsenal at a handful of primitive weapons. In addition, while much has been made of the DPRK's long-range ballistic missile program in the aftermath of the Taepo-dong test in August 1998, these missiles are notoriously inaccurate with inordinately high circular probability errors. Such missiles as delivery vehicles for nuclear warheads could not practically or effectively be integrated in some doctrine that focused on counterstrike targets, which rely on high accuracy. Inaccurate delivery vehicles could however be evidence of a doctrine that holds countervalue targets (like cities) for deterrence purposes.[34] There is little evidence that the program is integrated into the military structure. Despite the Soviet origins of the nuclear program, the North's military lacks training in nuclear weapons or nuclear war-fighting, which gives the sense that the weapons are for deterrent and not war-fighting purposes. The Korean

remain frozen and are subject to dismantlement as a result of the 1994 U.S.–DPRK Agreed Framework, suspicions remain regarding the North's plutonium reprocessing history, alleged covert activities outside Yongbyon, and possible crude nuclear devices. Concerns also abound regarding possible reprocessing activities in 1989 and May-June 1994, which would have provided the DPRK with enough weapons-grade plutonium for several nuclear weapons. See Sigal, *Disarming Strangers*; and Alexandre Mansourov, "The Origins, Evolution, and Current Politics of the North Korean Nuclear Program," *The Nonproliferation Review* 2 (Spring-Summer 1995), internet version, http://cns.miis.edu/pubs/npr/mansou23.htm, 5 May 2000. On the likelihood of the DPRK's nuclear weapons, see Andrew Mack, "Security and the Korean Peninsula in the 1990s" in Mack, ed., *Asian Flashpoint* (Sydney: Allen & Unwin, 1993), 1–20.

[33] Dae-sook Suh, "North Korea: The Present and the Future," *Korean Journal of Defense Analysis* 8 (Summer 1996): 78.

[34] Clearly there are alternative explanations for these traits that do not necessarily mean an existential deterrent doctrine, in particular, resource constraints.

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Peoples Army (KPA) is presumably outside of the entire nuclear chain of command.[35]

Most North Korea experts agree that the primary agent in understanding the intentions behind the nuclear program is Kim Il Sung. Initiatives and ideas with regard to the program were Kim's and disseminated sparingly among a small circle of advisers; moreover, these views were never recorded in any of Kim's military writings. In spite of this, there is no denying that the DPRK leader from very early on appreciated the awesome destructiveness and deterrent value of the weapon, particularly as a young guerrilla fighter who witnessed the United States subdue the Japanese with merely two of these weapons.[36] Kim most likely comprehended ex post facto the compellent value of implicit nuclear threats by the United States to end the Korean war in 1953.[37] He consequently sought extended nuclear deterrent guarantees from the Soviet Union, and his interest and activity in pursuing independent capabilities positively correlated over the years with lapses in confidence in the Soviet security guarantee. Kim was clearly affected by the Soviet-South Korea normalization pact, referring to it as a "betrayal of socialism." In perhaps the most direct statement linking the nascent nuclear capabilities with the loss of confidence in Moscow, the DPRK foreign ministry stated in September 1990 that it would take "measures to provide for ourselves some weapons for which we have so far relied on the [Soviet] alliance."[38] The Chinese experience also weighed heavily in Kim's calculations. China in the 1950s was a fledgling regime perceived as besieged and threatened by the United States. However, nuclear capabilities changed China's strategic and political context dramatically and provided it with a measure of security unattainable previously.

### *Deterrence Operationalized*

Hence, an argument could be made for DPRK nuclear weaponization and existential deterrence. There may have been other alternative purposes intended with the weapon, but as Alexandre Mansourov argues, "It appears that Kim Il Sung gave first priority to deterrence when he thought about the possible mission for nuclear weapons in the overall military doctrine of the DPRK."[39] This, as North Korea expert Dae-Sook Suh argues, was for regime survival: "The

[35] Mansourov contests this claim by North Korean officials. See "The Origins, Evolution, and Current Politics," 9–10.

[36] Mansourov conversations with Steve Linton cited in ibid., 5–6.

[37] On atomic diplomacy in Korea, see Rosemary Foot, "Nuclear Coercion and the Ending of the Korean Conflict," *International Security* 13 (Winter 1988–89); and Roger Dingman, "Atomic Diplomacy during the Korean War," *International Security* 13 (Winter 1998–89).

[38] Andrew Mack, "The Nuclear Crisis on the Korean Peninsula," *Asian Survey* 33 (April 1993): 342, cited in Herbert Ellison, "Russia, Korea and Northeast Asia" in Eberstadt and Ellings, eds., *Korea's Future and the Great Powers*, 166.

[39] Mansourov, "The Origins, Evolution, and Current Politics," 7.

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reason for the North Korean nuclear weapons program is based on its need to survive. It is not to improve its power position vis-à-vis South Korea or to use nuclear blackmail in its international relations. It is not the purpose of the North Korean nuclear weapons program to engage in nuclear arms trade. . . . North Korea thinks it needs such weapons for its survival."[40]

Another longtime North Korea scholar, Bruce Cumings, agrees with this general assessment: "The DPRK probably decided in 1991, if not earlier, to develop a small-state deterrent for a country surrounded by powerful enemies, like Israel: To display enough activity to make possession of a nuclear device plausible to the outside world, but with no announcement of possession. . . . in short, to appear to arm itself with an ultimate trump card and keep everyone guessing whether and when the weapons might become available."[41] Although reliable evidence is lacking, one could surmise the doctrine operationalized as follows: First, defense and deterrence against U.S.–ROK conventional ground invasion accomplished by the forward deployed forces and artillery along the demilitarized zone.[42] Second, existential nuclear deterrent against the United States. The countervalue target of this deterrent would not be South Korea (for tactical as well as nationalist reasons) or the United States (absent long-range delivery capabilities) but Japan.[43] Third, neither-confirm-nor-deny policy with regard to these capabilities. Opacity forces others to "worst-case" the DPRK's capabilities, which then enhances the deterrent value of the threat.

### *Policy Implication: If Deterrence, then Engagement*

The policy implications of an existential deterrent interpretation of DPRK strategic doctrine favor arguments for engagement. The logic of this policy argument would be that a security dilemma operates with regard to DPRK weaponization. Although provocative by violating nonproliferation norms and couched in aggressive rhetoric, this weaponization is largely defensively intended. Moreover, the nuclear program is best ended by the guarantee of regime survival, not by pressure.[44]

Pressing the consistency of the engagement logic further, one might argue that if North Korea's primary interest is survival, why consider giving up the nuclear program? Perhaps Pyongyang just wants the outside world to believe it is interested in a trade while surreptitiously cheating on any agreements concluded. Nuclear and long-range missile capabilities, after all, would be the ultimate equalizer and security guarantor for a weak regime like North Korea. This criticism does not consider the relative unattractiveness of such an option for

[40] Suh, "North Korea: The Present and the Future," 74–75.

[41] Cumings, *Korea's Place in the Sun*, 467.

[42] The defensive rationale for forward-deployed forces derives from "use-or-lose" conditions.

[43] For interesting discussions to this effect, see Bermudez and Richardson, "The North Korean View," 83–112; and Mansourov, "The Origins, Evolution and Current Politics," 7–8.

[44] Suh, "North Korea: The Present and the Future," 80.

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Pyongyang's overall political objectives. The objective is regime survival. Nuclear weapons and missiles may promise survival through existential deterrence, but they offer nothing else. The objective of survival might be attained but it would be a barren one where the North would remain excluded and alienated from the world community and its benefits. A more desirable outcome for the regime would be what might be called "enriched" survival, a scenario in which the Pyongyang regime endures without nuclear weapons—being able to maintain a credible neither-confirm-nor-deny policy would be optimal—while simultaneously accumulating concessions that improve the overall situation.

## Swords?

The existential deterrence argument for North Korea appears logical to many DPRK-watchers and is consonant with much of the small and medium-proliferation cases in the second nuclear age.[45] North Koreans, if asked, would probably offer this rationale for their proliferating as well. However, the deterrence argument is not without its inconsistencies.

### *North Korean Fears of U.S. Attack*

One internal contradiction in particular is devastating. There is no denying that the overriding political objective of Pyongyang in the post-cold war era has been to ensure regime survival; however this has not always been the North's primary concern. For the majority of the regime's existence, survival was not the issue; instead, the primary security contingency that the DPRK feared was defending against unprovoked aggression or preemptive attack by the United States and South Korea.

This has been stated countless times in North Korean propaganda for Western and internal consumption. U.S.–ROK military exercises to maintain combat and defense-readiness (Team Spirit) involving nearly 200,000 men were routinely condemned by Pyongyang as provocative exercises aimed at attacking the North. The Reagan administration's decision in the 1980s to sell advanced F-16 fighter planes to Korea as well as its explication of a "horizontal escalation" doctrine with the Soviet Union reconfirmed North Korean beliefs that the United States was threatening preemptive attack on the North, either directly as a function of the balance on the peninsula or as a response to Soviet actions elsewhere in the world. As Cumings observes, "This scenario truly horrified the North Koreans, and during the remaining Reagan years they shouted themselves hoarse in opposition to U.S. policy."[46] More recently, revelations in the late 1990s regarding revision of the U.S. operational battle plan for Korea (Operation Plan 5027) confirmed the North's view of a salient U.S. threat to

[45] Goldstein, *Deterrence and Security*; and Hagerty, *The Consequences of Nuclear Proliferation.*
[46] Cumings, *Korea's Place in the Sun*, 461.

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attack. The new plan substantially expanded the target list, timetable, and depth of a U.S. counter-offensive on Pyongyang. Comments by one U.S. official with regard to OP-PLAN 5027 played right into the hands of those in Pyongyang preoccupied with a U.S. attack: "When we're done, [the DPRK] will not be able to mount any military activity of any kind. We will kill them all."[47]

Fears of a preemptive U.S. attack are evident in DPRK conventional military doctrine. Kim Il Sung's Four Military Lines and Three Revolutionary Forces are premised on repelling and rolling back a U.S. attack to Pusan in three days.[48] Nowhere is this fear more evident than in the forward deployment of DPRK forces along the demilitarized zone. These deployments are seen by the West as aggressively-intended; but from a DPRK perspective, they reflect a defensive mentality about fending off a U.S. attack. As General James Clapper (director of Defense Intelligence Agency [1991–94] and former chief of intelligence in Korea and Pacific commands) noted, the North's forward deployments may actually reflect a use-or-lose mentality to compensate for inferiorities in the relative military balance on the peninsula. In other words, the North does not necessarily believe that offense has the advantage but chooses to forward deploy because its main fear is unprovoked U.S. attack. Should the United States undertake an offensive attack (complete with relentless bombing runs as was the case in 1950), anything other than forward deployment would render DPRK forces incapable of mobilizing quickly enough in a counter-offensive or sustaining supply routes with rear-area forces.[49]

### *The Preemption Contradiction*

Most North Korea watchers who agree with the existential deterrent argument and therefore favor engagement would also agree with this assessment of DPRK threat perceptions. Given these traditional DPRK security concerns about a U.S. attack, however, a glaring contradiction obtains. *If the primary military contingency that the regime is preoccupied with is unprovoked U.S. aggression, then nuclear proliferation, rather than deterring, actually increases the likelihood of attack.* As the literature on nuclear deterrence has shown, in security competitions between two states, proliferation by one side dramatically increases the incentives for preemptive attack by the other.[50] Moreover, if a state's prolifera-

[47] Richard Halloran, "New Warplan Calls for Invasion of North Korea," Global Beat, 14 November 1998, (http://www.nyu.edu/globalbeat/asia/Halloran111498.html), 12 January 1999; Chong-Hun Yi, "North Korea Beefs Up Demonstrations Denouncing Operation Plan 5027," *Sisa Journal*, 24 December 1998 [in Korean]; and Bruce Bennett, "Conventional Arms Control in Korea: A Lever for Peace?" in Sokolski, *Planning*, 291–328.

[48] Buzo, *Guerilla Dynasty*, chap. 8.

[49] Clapper's analysis as cited in Sigal, *Disarming Strangers*, 21.

[50] Thomas Schelling, *The Strategy of Conflict* (Cambridge, MA: Harvard University Press, 1960), chap. 9; Gordon Chang, *Friends and Enemies: The United States, China and the Soviet Union, 1948–72* (Stanford, CA: Stanford University Press, 1990); and Karl, "Proliferation Pessimists," 96–97.

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tion activities are revealed to be small and still incomplete, the window for the adversary is open widest to act preemptively quickly and destroy the program before the capability is acquired. Fledgling nuclear weapons programs in China and Iraq created very strong incentives for the United States and Israel to undertake preemptive strikes against these facilities. In the Iraqi case, such a strike was carried out. In the Chinese case, recently declassified documents show that the United States, despite claims to the contrary, seriously considered a preemptive attack against Chinese nuclear facilities, including intelligence-gathering, contingency planning for air attacks, and discussions with the Soviets.[51]

If the DPRK claims that their nuclear weapons program is embedded in a defensive existential deterrent doctrine, this is effectively an oxymoron. If the motive is defensive, then nuclear proliferation actually makes Pyongyang less secure. Given Pyongyang's long-held fears of a U.S. attack, proliferation raises the likelihood of U.S. preemptive attack.[52]

### *Nuclear Denial Strategy*

The contradiction in the existential deterrent logic requires one to look for alternative strategies in which DPRK nuclear weaponization might be embedded. One possibility that can never be ruled out given past DPRK aggression is nuclear weapons as part of a war-fighting strategy that seeks to deny the United States access to the peninsula. War game scenarios have posited, for example, an all-out DPRK surprise attack on the ROK that attempts to take advantage of an initial indecision by the United States and creates chaos among the South to "liberate" the fatherland.[53] Primary instruments of attack would include heavy artillery barrages destroying U.S.–ROK forward defenses that would hurt and weaken morale among South Korean soldiers. During this frontal barrage, DPRK special operation forces would infiltrate key civilian and military communication and transportation centers from the rear. An integral part of the offensive is to create panic and chaos in Seoul and other major cities, giving rise to refugees and road congestion, which would create maneuverability nightmares for U.S. and ROK forces responding to the attacks. The strategy also banks on a period of political hesitation in the United States with regard

[51] William Burr and Jeffrey Richelson, "Whether to 'Strangle the Baby in the Cradle': The United States and the Chinese Nuclear Program, 1960–64," *International Security* 25 (Winter 2000/01): 54–99; Gordon Chang, "JFK, China, and the Bomb," *Journal of American History* 74 (March 1988): 1289–1310; and McGeorge Bundy, *Danger and Survival: Choices about the Bomb in the First Fifty Years* (New York: Vintage, 1990).

[52] This argument in part hinges on the degree of risk acceptance in the North. If the DPRK perceives itself in the domain of losses, it might be more risk-acceptant with regard to proliferating and therefore willing to accept a period of high instability and increased threat of U.S. attack to reach an existential deterrent capability. For this line of inquiry, see Victor D. Cha, "Engaging North Korea Credibly," *Survival* 42 (Summer 2000): 136–55; and Cha, "Engagement and Preventive Defense."

[53] Bermudez and Richardson, "The North Korean View," 6.

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to taking casualties in a bloody ground war, and ultimately it aims for defeat of the U.S.–ROK Combined Forces Command (CFC) within seven days.[54]

Nuclear weapons and WMD-armed missiles would play a critical denial role to U.S. reinforcement operations in such a war strategy. In the initial and critical stages of the war, the primary concern for the United States is to have its forces on the peninsula capable of absorbing the DPRK invasion long enough so it can fly in reinforcements for the counter-offensive. For the DPRK, the primary obstacle in the battle plan for invasion is logistics. Given the KPA's inability to sustain ample supply lines from north of the demilitarized zone for any protracted period of time, the strategy requires a quick victory over Seoul from which the advancing KPA forces can then replenish supply lines. In order to avoid a protracted battle over Seoul, the DPRK must disrupt and delay the U.S. ability to flow reinforcements to the peninsula through Okinawa. This could be accomplished through a two-pronged denial strategy of persistent chemical and biological attacks on ports and logistic nodes in South Korea to delay U.S. reinforcements; and/or hold Tokyo or other major population centers in Japan as nuclear hostage to complicate, delay, and ideally deter the U.S. response. The latter could be accomplished either through U.S. indecision or by the Japanese government not granting American access to its bases for Korean defense. It is important to note that the feasibility of the strategy rests not on U.S. and Japanese capitulation but on the allies' indecision for a long enough period of time for KPA forces to overtake Seoul. Once the DPRK holds Seoul, it then exercises considerable leverage. It might choose to prosecute the war further south to take the entire peninsula, which is highly unlikely. Or it might cease hostilities and seek to negotiate from a position of strength given the new status quo post bellum. The introduction of the nuclear component is therefore critical not as part of a defensive existential deterrent doctrine, but an offensive denial strategy.

## *Ideology and the KPA*

Evidence of a nuclear denial strategy is, of course, hard to come by. From a tactical level, if the DPRK were offensively-intended, they would follow the denial strategy secretly while publicly explaining their proliferation as deterrence-based. In addition, if they were truly defensively motivated, then the de-

[54] For other details, see Tom Morgan, "Military and Political Alternatives for Reducing Threats" (paper presented at the International Conference on Emerging Threats, Force Structures and the Role of Air Power in Korea, sponsored by RAND and Yonsei University, Seoul, 12 June 1999); and Stephen Bradner, "North Korea's Strategy" in Sokolski, *Planning*. For earlier background on DPRK offensive strategies, see Jong-Chun Baek, "North Korea's Military Capabilities" in Jae Kyu Park, Byung Chul Koh, and Tae-Hwan Kwak, eds., *The Foreign Relations of North Korea* (Boulder, CO: Westview, 1987), 81–105; U.S. Central Intelligence Agency, *Korea: The Economic Race Between the North and South* (Washington, DC: U.S. Government Printing Office, 1978); and Ralph Clough, *Deterrence and Defense in Korea: The Role of US Forces* (Washington, DC: Brookings, 1976).

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nial strategy would be irrelevant. In this sense, the absence of explicit evidence of a denial strategy does not necessarily preclude its existence. Hence two alternative avenues of inquiry might be useful. The first is to induce from DPRK propaganda and ideology any evidence of a denial strategy. The second is to observe the extent to which KPA force structure has changed over time. The latter, in particular, might offer clues as to whether DPRK priorities with scarce resources have been focused on defense or offense modernization, which could then offer some insight on the likelihood of a denial strategy.

With regard to ideology and propaganda, as a recent study by General John Tilleli (former head of U.S. forces in Korea) and Major Susan Bryant point out, DPRK rhetoric, even in the face of Kim Dae Jung's sunshine policy and its hapless post-cold war situation, has not formally renounced its intention to reunify the peninsula.[55] Instead, the North has made countless statements about the destruction it would wreak on Seoul if provoked. But perhaps more important as evidence of a denial strategy than this inflammatory rhetoric (which has all but lost its meaning given its persistent use) is the extent to which DPRK ideology is fully accepting of a major bloody conflict as the final outcome of the Korea problem. Kim Il Sung and Kim Jong Il fully accept the tenets of Leninism, which posit violent conflict as a necessary stage for universal communization and wholly reject in the long term any notions of peaceful coexistence with capitalism.[56] The first vice minister of the People's Armed Forces reinforced such a view, stating that "the question is not if there will be another war on the Korean peninsula, but when."[57] Any overt denial strategy would require that the DPRK regime accept without question the untold numbers of casualties that would result on both sides of the demilitarized zone as well as in Japan. Though not confirming evidence, this fundamental assumption of DPRK ideology is not inconsistent with a denial strategy.

With regard to the KPA, anyone who has studied the security balance on the peninsula is familiar with the current profile of the DPRK military: 1.1 million man army, 3,500 tanks, 2,500 armored personnel carriers, 10,600 artillery guns, 2,600 multiple rocket launchers, and 500+ combat aircraft, all forward-deployed near the demilitarized zone. But interesting insights can be drawn from a longitudinal analysis of the evolution and devolution of these forces. From the end of the Korean war until about the mid-1970s, the KPA threat was largely infantry and artillery-based. Heavy fixed artillery was the mainstay of the force (a lesson of the war as artillery dominated) and KPA forces, while larger than during the Korean War, were still only a fraction (400,000) of the

[55] John H. Tilelli and Susan Bryant, *Northeast Asian Regional Security: Keeping the Calm* (Arlington, VA: Association of the United States Army, 2002), 13.

[56] Kim Il-Sung, *For the Independent and Peaceful Reunification of Korea* (New York: Independent Publishers, 1975), 132 as cited in Downs, "Discerning North Korean Intentions," 88–89.

[57] Samuel S. Kim, "Images and Realities of Korean Unity: Whither Inter-Korean Relations?" (paper presented at the "Republic of Korea After 50 Years" conference, Georgetown University, Washington, DC, 2–4 October 1998), 12.

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1.1 million benchmark associated with the threat today. Thus in spite of any aggressive intentions explicitly stated by the DPRK for "unification by force" (*songong t'ongil*), their capabilities dictated otherwise.

The KPA significantly improved their offensive capabilities from the 1980s. Not only did ground forces increase greatly (to 700,000 and then to 1.1 million), but the military also underwent significant mechanization (infantry, armor, and artillery forces). These mechanized units were reorganized from separate divisions into corps-level formations, which are more conducive for commanding a sustained offensive deep into the enemy's territory. This offensive modernization and reorganization was complemented by a significant movement of mechanized armored and artillery units southward to the extent that 70 percent of all combat forces are positioned south of Pyongyang, versus 40 percent in 1980. Although energy and food shortages in the 1990s have decreased the overall fighting capability of these forces, the specific capabilities that continue to be augmented do not elicit any sense of a reduced threat. The KPA has added thousands of long-range artillery tubes and substantially added to its special operations forces; the latter can wreak havoc on population centers in the South and the former can sustain in the range of 500,000 rounds of artillery per hour against CFC forces.

The northern side of the demilitarized zone shows no defensive fortifications equivalent to forward edge of battle area zones or concentric defense lines that are clearly observable on the southern side.[58] Although recent North Korean actions in 1999–2000 in response to the ROK's sunshine or engagement policy indicated some degree of political thaw on the peninsula, one cannot wholly rule out hypotheses on an offense-based DPRK war doctrine. As North Korean defector Hwang Jang-Yop stated, "North Korea still believes that it could conquer South Korea—should the Americans ever leave the peninsula. This withdrawal is one of Pyongyang's most important goals in all its international negotiations."[59] In sum, there are logical inconsistencies in the DPRK existential deterrent argument. There is no evidence that explicitly precludes a nuclear denial strategy, especially important given the methodological problems with confirmation through no evidence. The past decade has witnessed a steady and deliberate enhancement of offensive conventional capabilities. These facts render nuclear weaponization as part of an offensive denial strategy as a credible alternative proposition.

## *Policy Implication: If Denial, then Coercion*

If the DPRK practices a denial strategy, then the implications for policy become clear. Engagement will neither reduce tensions on the peninsula nor con-

[58] For details, see Ministry of National Defense, *Defense White Paper 1999* (Seoul: Ministry of National Defense, 2000), chap. 3 (http://www.mnd.go.kr/mnden/emainindex.html), 4 January 2001; and Bradner, "North Korea's Strategy."

[59] "Running Against History: Defector Sees Kim's Regime as Increasingly Brittle," *Far Eastern Economic Review*, 15 October 1998, 10–11.

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vince the North to give up its proliferation threat. On the contrary, all of Pyongyang's diplomatic contacts and smile diplomacy in 2000–2001 reflect changes in tactics to gain the food and economic aid necessary to keep the regime afloat, but the DPRK's intentions remain fundamentally revisionist. Through strategic deception, Kim Jong Il seeks to lull the West into a false sense of confidence in engagement as the regime secretly continues to improve its WMD capabilities. Any policy other than coercion and/or isolation and robust deterrence will be interpreted as weakness by the North and will buy time for the regime to fulfill its ultimate objective of subverting liberal-democratic South Korea.

## BADGES?

A third and final set of propositions about DPRK nuclear weaponization has to do with factors not explicitly related to military rationales. This hypothesis derives from the view that small- and medium-scale proliferation cases are the result of internal bureaucratic processes or prestige/status motivations rather than external threats. As Scott Sagan has argued, states acquire nuclear weapons not only to balance against external threats but also for their symbolic power.[60] For many countries in Asia, nuclear weapons and ballistic missiles are today what armies were in the postcolonial era. They serve as marks of modernity and power. Asia is rich with nationalisms growing out of history, colonial legacies, and economic growth. Inherent in this nationalism are aspirations to rise in the international prestige hierarchy and to be treated as a great or major power. Nuclear weapons and ballistic missiles have become an important indicator of this status. In extreme terms, these capabilities almost become like national airlines; countries seek to acquire them because of how they reflect on one's identity and level of development.[61]

Regarding bureaucratic rationales, in some countries the drive for nuclear weapons-related research over the years became the means by which a young, rising, civilian technocratic sector circumvents and displaces the old, corrupt, and inefficient military bureaucracy. This was especially the case in India, where the Atomic Energy Commission, Defense Research and Development Organization, and the Space Program formed a triumvirate of new influential technocratic bureaus that demand respect in Indian society and develop powerful interests in self-perpetuation.[62]

A degree of bureaucratic politics appears relevant in the DPRK case, but this was not central to initial decisions to proliferate.[63] Where nuclear weapons

[60] Sagan, "Why do States Build Nuclear Weapons?" 63–65.

[61] Eyre and Suchman, "Status, Norms and the Proliferation of Conventional Weapons"; and Paul Bracken, "Asia's Militaries and the New Nuclear Age," *Current History* 98 (December 1999): 415–421.

[62] George Perkovich, *India's Nuclear Bomb: The Impact of Global Proliferation* (Berkeley: University of California Press, 1999); and Bracken, "Asia's Militaries and the New Nuclear Age," 420.

[63] For critical and comprehensive analysis, see Mansourov, "The Origins, Evolution and Current Politics," 8–15.

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may be most relevant to bureaucracies is in their reflection of the military's rise in all sectors of the North Korean state over the past two decades.[64] Since about 1980, the dominance of the party has given way to military-first politics and a garrison state in which virtually all the key positions of power are occupied by the military. This is evident not only in Kim Jong Il's rule from his position in the National Defense Commission (and not the Workers' Party of Korea [KWP]), but also the conspicuous absence of a party congress in over nineteen years.[65] In this sense, internal politics did not drive proliferation in North Korea, but proliferation may be reinforcing internal changes that are in motion.

The international prestige-hierarchy may have been relevant as a driver of proliferation, but not nearly as important as what the program meant for regime self-validation. As Sam Kim argues, nuclear weapons and ballistic missiles were symptomatic of a system trying to fulfill its *kangsong taeguk* (strong and prosperous power) vision, but being blocked in the economic vein and trying to compensate for this in the military.[66] At best, though, these arguments complement but do not supplant the two primary security rationales. If one surveys all the cases of proliferation in the twentieth century (first or second nuclear age), the primary driver of proliferation in the end is security, which takes us back to the deterrence or denial strategies as the primary drivers.[67]

The final observation regards nuclear and missile proliferation and DPRK bargaining leverage. A byproduct of proliferation has been a coercive bargaining strategy adopted by Pyongyang against its adversaries. Pyongyang's *modus operandi* is to undertake or threaten acts of belligerence that violate the peace and disrupt the status quo, usually highlighting some grievance the DPRK holds. This individual action is usually severe enough to raise concerns that if combined with other similar and subsequent actions, it might be the precursor to a larger conflict. At the same time, the individual violent act alone does not warrant all-out retaliation by the United States and ROK. Washington and Seoul are thus manipulated into the awkward position of wanting to punish the initial act but also wanting to avoid an unnecessary and costly escalation of conflict that might follow from such an action. The response that obtains is then to renegotiate a new status quo, coupled with a token verbal denouncement or sanction against the initial act. This has been the most frequent and consistently threatening behavior by the DPRK since the end of the cold war. It is a coercive bargaining strategy, backed by these capabilities, that seeks not to win militarily but to scare the other side into a new negotiation outcome better than the status

[64] This school of thought is separate from and inconsistent with the earlier deterrent school, which argued that the military is divorced from the chain of command on nuclear issues.

[65] Samuel S. Kim, "North Korea in 1999," *Asian Survey* 40 (January 2000): 1401–1413.

[66] Ibid., 1408.

[67] Goldstein, *Security and Deterrence*. The exceptions to this rule are countries that "inherit" nuclear weapons (for example, Ukraine), but even in this case as well as other cases of denuclearization (South Africa), the primary rationale for giving up the capability is an amelioration of security threats.

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quo ex ante.[68] It is important to note that this bargaining strategy is not a cause of proliferation but a product of it. In other words, Pyongyang's nuclear weaponization may have inadvertently given rise to this pattern of behavior, but weaponization was not sought specifically for this purpose.

## The DPRK as Evil or Engaging? A Three-Step Framework

The debate on the security and foreign policy of the DPRK has taken place in three concentric circles. At the innermost ring were debates and speculation surrounding the regime's survivability at the end of the cold war. This literature was in vogue largely because it dealt with the question that preceded all others about the DPRK in the early 1990s: Could the regime survive for very long?[69] At the next level, particularly after the DPRK's unexpected resilience, were policy-oriented debates about whether to engage or contain North Korea.[70] The third circle of literature focused on negotiating behavior. This body of work emerged out of the West's first substantive interaction or engagement with North Korea in the early 1990s, culminating initially with the 1994 Agreed Framework.[71] Each of these debates was discrete, dealing with a different aspect of North Korea security and foreign policy; at the same time they were interconnected, for one set of works often derived from the success or failures of the previous body of work.

In this article, I have offered a fourth circle of security debate for understanding North Korea. The first circle of debates on DPRK regime survival in the early 1990s was empirically premature and conceptually ill-conceived, neglectful of an understanding and appreciation of the DPRK system's resiliency despite acute hardship. The second and third circles provided illuminating lenses through which to view North Korea. However, as phase one of the anti-terrorism war in Afghanistan subsides, questions about implementation of the Agreed Framework surface. Debates about engagement face the United States,

[68] For the development of this argument, see Cha, "Engagement and Preventive Defense."

[69] These works speculated on how (not whether) the regime would collapse: by "hard" landing (sudden implosion), by "soft" landing (gradual decline and absorption by South Korea), or by "explosion" (last-gasp spasm of violence). Representative works include Byung-Joon Ahn, "The Man who Would be Kim," *Foreign Affairs* 73 (November/December 1994): 94–108; Choong-Nam Kim, "The Uncertain Future of North Korea: Soft Landing or Crash Landing?" *Korea and World Affairs* 20 (Winter 1996): 623–636; Marcus Noland, "Why North Korea Will Muddle Through," *Foreign Affairs* 76 (July/August 1997): 105–118; Green, "North Korea Regime Crisis"; Eberstadt, *The End of North Korea*; Bruce Cumings, "Feeding the North Korea Myth," *The Nation*, 29 September 1997, 22–24; Robert Scalapino, "North Korea at a Crossroads," *Hoover Essays in Public Policy* No. 73 (Hoover Institution: Stanford University, 1997); and Aidan Foster-Carter, *Korea's Coming Reunification: Another East Asian Superpower?* Economist Intelligence Unit, Special Report no. M212 (London: Economist Intelligence Unit, 1992).

[70] See notes 5 and 6 for literature on this topic.

[71] Scott Snyder, *North Korea Negotiating Behavior* (Washington, DC: U.S. Institute of Peace, 1999); and Chuck Downs, *Over the Line* (Washington, DC: AEI Press, 1999).

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South Korean, and Japanese governments, and none of these previous analyses get at the heart of the issue for policy: Upon what assumptions about the DPRK threat should policy be based?

The common perception of North Korean nuclear weaponization is one of unadulterated threat. However, I have argued that understanding the strategic doctrine in which these capabilities are sought offers a true assessment of the nature of the threat. Only then can we define the appropriate policy. Trying to locate inductively the intentions behind one of the blackest of boxes in the world today is nearly impossible, given the paucity of evidence. As an imperfect substitute, this article deduces a three-step model to explain the context and intentions behind DPRK nuclear weaponization. This model provides a framework by which to interpret any new evidence that becomes available.

If evidence emerges about the DPRK that confirms the existential deterrent (shields) hypothesis, then the threat is not nearly as bad as we believe. Security dilemmas can be averted through engagement. Moreover, the potential for denuclearization is real, provided that the North's survival can be guaranteed. If evidence does not support this view, then the next step is to discern whether the evidence validates a prestige-based or badges argument for DPRK weaponization. If so, then the threat is resolvable if status incentives on the part of Pyongyang can be satisfied. This could be accomplished through engagement, particularly in the economic arena such that the DPRK could, as Sam Kim argues, validate its state identity through economic rather than military avenues.[72] The third and most worrying outcome is if evidence surfaces confirming the denial strategy (swords hypothesis). In this case, not only is the threat real (and the regime "evil" in Bush's axis of evil verbiage), but nuclear rollback is highly unlikely, because DPRK intentions are zero-sum and aggressive. Engagement, though well-intentioned, will not work.[73] At best, the policy will build consensus among the United States and its allies that once Pyongyang reveals it true intentions, more coercive measures might be required.*

[72] Kim, "North Korea in 1999," 1408.

[73] For elaboration on this viewpoint, see Victor D. Cha, "Korea's Place in the Axis," *Foreign Affairs* 81 (May-June 2002).

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# Human Rights and Domestic Violence

DARREN HAWKINS
MELISSA HUMES

The world in the 1990s witnessed a dramatic change in the ways in which countries treat issues of intrafamily or domestic violence against women.[1] While most states once ignored the problem as a private matter, a large variety have now accepted some responsibility to help prevent violence in the home and to prosecute offenders. Some states have made minimal changes, pledging their allegiance to efforts to stamp out violence against women while in fact doing little about the problem. Even this discursive move marks a change from previous claims that states had little authority or ability in this area. Others have gone farther, enacting legislation that codifies domestic violence as a crime, creating national media campaigns designed to raise consciousness about the issue, and establishing women-only police stations intended to encourage reporting of domestic violence crimes.

Nowhere is this change in state discourse and practices more pronounced than in the Americas. All major countries in the Organization of American States (OAS), save the United States and Canada, have ratified the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, which is the only international treaty dedicated to preventing violence against women. States have ratified the treaty despite the fact that it has relatively strong monitoring mechanisms that allow any individual or group to lodge petitions with the Inter-American Commission on Human Rights (IACHR) about state violations of their duties to protect women. Well before the treaty was signed, some American countries were among the first in the world to address domestic violence issues. As early as 1978, Canada began to

[1] Although children and men are also victims of domestic violence, this article will focus on domestic violence against women in order to maintain a manageable scope.

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fund women's shelters for abuse victims, and in the 1980s it addressed the problem through research and prevention projects.[2] In 1985, Brazil created the first women's police stations to assist women victimized by violence.[3] The U.S. federal government began funding shelters for battered women about the same time.[4]

Why have American (Western Hemisphere) states been willing to intervene in issues that for centuries have been considered private matters beyond the scope of state activity? Why have these activities been so widespread? Two sets of theories offer promising approaches: one drawn from comparative politics and sociology with a focus on social movements, and the other from constructivist theorizing in international relations with a focus on international socialization. In this article, we develop these competing theories and conduct initial plausibility probes of their expectations by examining the cross-national patterns in the adoption of domestic violence norms in the Americas. Both theories offer some insights but fail crucial tests, which cannot be resolved within their respective frameworks.

As a result, we build a two-stage model of norm diffusion that combines elements of both approaches. This approach does not simply claim that both women's movements and international socialization matter. Rather, it suggests that an historically phased process is at work in which domestic women's movements have more influence at an early stage, and international socialization has a greater effect at a later stage. Further, we theorize about which types of states are most likely to fall into these categories and which states are the least likely to be affected by either process. Specifically, we expect leader states to be characterized by strong, autonomous domestic social groups and by sizable opportunity windows created by deep political restructuring. Followers—states socialized to adopt international norms—have lower levels of political stability and are relatively impoverished compared to both leader and nonconformist states. Nonconformist states lack either autonomous social groups or significant political opportunities (or both) and are too wealthy and too stable to be socialized successfully. Initial plausibility probes examining cross-national patterns in the Americas offer support for our hypotheses. We follow up with detailed process-tracing in some states and international organizations that offers additional support for the model. In our conclusions, we discuss broader theoretical implications, especially with respect to the constructivist argument that international norms redefine state interests and identities.

[2] Status of Women in Canada, "Report by the Government of Canada to the U.N. Commission on Human Rights Special Rapporteur on Violence Against Women" (http://www.swc-cfc.gc.ca/publish/unviol-e.html#agenda, December 1998), 19 November 1999.

[3] Laura Sue Nelson, "The Defense of Honor: Is It Still Honored in Brazil?" *Wisconsin International Law Journal* 11 (Spring 1993): 531–2; Sara Nelson, "Constructing and Negotiating Gender in Women's Police Stations in Brazil," *Latin American Perspectives* 23 (Winter 1996): 131.

[4] Rachelle Brooks, "Feminists Negotiate the Legislative Branch: The Violence Against Women Act" in Cynthia R. Daniels, ed., *Feminists Negotiate the State* (Lanham, MD: University Press of America, 1997), 68–9.

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## Women's Movements

Drawing on traditions in social movement theory, previous studies of state policy toward women have focused on autonomous women's organizations as a central explanatory variable.[5] Where women's groups enjoy autonomy from the state and dominant political parties, they are able to raise public consciousness about their favored issues and slowly build strong social pressures for change. Where women's movements are dominated by states or political parties, women's concerns become coopted by the prevailing political system and receive a low priority. In the absence of strong outside pressure from autonomous women's groups, state policies are likely to be weak and ineffective. In a comparison of women's policies in Sweden and the United States, R. Amy Elman finds that the United States has enacted more progressive policies despite the differences in political culture and broad world views that lead observers to expect the opposite result. The paradox can be explained in part by the differing autonomy of women's organizations: "While Swedish activists increasingly became part of the state, American feminists mobilized against it while seeking concessions from it. American feminists consciously avoided the partisan alliances and state affiliations upon which their Swedish counterparts are so dependent."[6] As a result, U.S. women's groups have achieved greater successes.

Autonomy alone, however, cannot guarantee progressive state policies. A number of scholars have identified a state's political opportunity structure as a key variable affecting a social movement's success.[7] Political opportunity structure is a broad category that includes the openness of the political system, the elite alliances that undergird the system, the presence of allies in the state, and the state's repressive capacity. Generally speaking, decentralized states are more likely to respond to women's demands than centralized states, in part because of the existence of more political access points. Amy Elman argues, for

[5] Joyce Gelb and Marian Lief Palley, *Women and Public Policies: Reassessing Gender Politics* (Charlottesville: University Press of Virginia, 1996); Jane S. Jaquette and Sharon L. Wolchik, eds., *Women and Democracy: Latin America and Central and Eastern Europe* (Baltimore: Johns Hopkins University Press, 1998); Jane S. Jaquette, ed., *The Women's Movement in Latin America: Participation and Democracy*, 2nd ed. (Boulder, CO: Westview Press, 1994); R. Amy Elman, *Sexual Subordination and State Intervention: Comparing Sweden and the United States* (Providence: Berghahn Books, 1996); Mary Fainsod Katzenstein and Carol McClurg Mueller, *The Women's Movements of the United States and Western Europe: Consciousness, Political Opportunity, and Public Policy* (Philadelphia: Temple University Press, 1987); S. Laurel Weldon, "A Cross-National Study of Government Responsiveness to Violence Against Women: The Importance of Feminist Administrative Reforms" (paper presented at the American Political Science Association, Atlanta, GA, 2–5 September 1999).

[6] Elman, *Sexual Subordination*, 31.

[7] Doug McAdam, John D. McCarthy, and Mayer Zald, "Introduction: Opportunities, Mobilizing Structures, and Framing Processes—Toward a Synthetic, Comparative Perspective on Social Movements" in Doug McAdam, John D. McCarthy, and Mayer Zald, eds., *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings* (New York: Cambridge University Press, 1996), 1–22; Donald M. Culverson, "The Politics of the Anti-Apartheid Movement in the United States, 1969–1986," *Political Science Quarterly* 111 (Spring 1996): 127–149.

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example, that the U.S. federalist structure is more accessible to feminist groups than Sweden's centralized, corporatist system.[8] Similarly, transitions to democracy create more open political systems, theoretically allowing women to gain the attention of emerging democratic leaders and win commitments for gender-policy changes. At the same time, it is important to recognize that democratic political systems create new barriers to women, especially once the transition moment has passed.[9] As a result, women's groups excluded from political processes like elections often rely on allies within the state to help promote their agendas. Although not all feminists are women and not all women are feminists, state allies routinely include women legislators, women's bureaucracies, and women at other high-level professional positions within the state.[10]

These hypotheses predict substantial variation in the substance and timing of state gender policies in ways that should correlate closely with domestic political differences. Yet state domestic violence policies in the Americas exhibit remarkable similarities, and all were implemented in roughly the same time span during the 1990s. Nearly all American states have created national women's councils that include domestic violence problems among their priorities, have approved legal changes that define domestic violence as a crime, have launched educational campaigns to combat the problem, and have created social services for victims. Further, it is difficult to argue that any state's policy is more far-reaching or successful than that of any other state. In what is perhaps the only detailed and systematic study on domestic violence and state policies comparing a developing and a developed country, Katherine Culliton finds that Chile and the United States share far more similarities than differences.[11] She argues that, "contrary to prevalent myths about Latina women, many aspects of the problem cross the cultural and social boundaries between Chile and the United States. In fact, the situation of women in the United States sometimes compares unfavorably with that of Chilean women."[12] Women in both countries face similar social, legal, and cultural obstacles, and legislation in both countries to combat the problems exhibits remarkable similarities.

Independent observers routinely point to similar types of progress and ongoing problems in all states. The most systematic information available from a

[8] Elman, *Sexual Subordination*, 20–32.

[9] Elisabeth Friedman, "Paradoxes of Gendered Political Opportunity in the Venezuelan Transition to Democracy," *Latin American Research Review* 33 (no. 3, 1998): 87–135.

[10] Verónica Schild, "New Subjects of Rights? Women's Movements and the Construction of Citizenship in the 'New Democracies'" in Sonia Alvarez, Evelina Dagnino, and Arturo Escobar, eds., *Cultures of Politics, Politics of Cultures: Re-visioning Latin American Social Movements* (Boulder, CO: Westview Press, 1998), 93–117; Teresa P. Caldeira, "Justice and Individual Rights: Challenges for Women's Movements and Democratization in Brazil" in Jaquette and Wolchik, eds., *Women and Democracy*, 75–103; María Elena Valenzuela, "Women and the Democratization Process in Chile" in ibid., 47–74; Weldon, "A Cross-National Study."

[11] Katherine Culliton, "Legal Remedies for Domestic Violence in Chile and the United States: Cultural Relativism, Myths, and Realities," *Case Western Reserve Journal of International Law* 26 (Spring/Summer 1994): 183–260.

[12] Ibid., 184–5.

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relatively independent source is contained in the U.S. State Department's Human Rights Reports, which since 1992 have been tracking domestic violence issues. A careful comparison of the 1998 reports for all American countries (save, of course, the United States itself) suggests striking similarities in the measures that states have implemented.[13] Less detailed or less comprehensive surveys of state policies undertaken by a variety of intergovernmental organizations in recent years lead to the same conclusion.[14] To balance and complement these sources, we also examined reports from independent nongovernmental organizations (NGOs), especially International Women's Rights Action Watch (IWRAW), which is the only prominent transnational NGO that issues reports tracking gender policies in a variety of states.[15]

Virtually all American countries have created a national women's office whose mandate includes eradicating violence against women. Argentina (1992), Bolivia (1993), Chile (1990), Ecuador (1994), Paraguay (1992), Uruguay (1992), the United States (1995), and Venezuela (1992), to name a few, created such councils in the early to mid-1990s. Most councils have created multiple-year plans to confront the problem of domestic violence that share important similarities in the ways in which they identify national goals, institutionalize guidelines and procedures for dealing with domestic violence, and outline programs to prevent abuse and to treat victims.

All American countries save Canada, Brazil, and Paraguay have implemented national-level legislation that specifically targets and criminalizes domestic violence. (See Table 1.) The first Latin American country to create specific legislation on domestic violence was Peru in 1993. Argentina, Chile, and the United States all created similar laws the following year. During the next four years, thirteen more countries added new legislation codifying domestic violence as a crime. Although some variation obviously exists, most laws contain broadly similar features.[16] They define domestic violence in broadly similar

[13] The reports are available on the internet at http://www.state.gov/www/global/human_rights/1998_hrp_report/98hrp_report_toc.html, August 1999.

[14] See the country reports produced by the United Nations Development Program on the internet at http://www.undp.org/rblac/gender/natreport.htm, 11–13 September 1999; and the systematic overview offered by the Inter-American Commission on Human Rights, "Report of the Inter-American Commission on Human Rights on the Status of Women in the Americas," (Washington, DC: Organization of American States, 1998).

[15] IWRAW's country reports are available on the internet at http://www.igc.org/iwraw/publications/countries/, 24 August 1999. Also see Rebecca P. Sewall, Arati Vasan, and Margaret A. Schuler, eds., *State Responses to Domestic Violence* (Washington, DC: Women, Law, and Development International, 1996); Human Rights Watch, *The Human Rights Watch Global Report on Women's Human Rights* (New York: Human Rights Watch, 1995).

[16] Soledad Larraín, "Curbing Domestic Violence: Two Decades of Action" in Andrew R. Morrison and María Loreto Biehl, eds., *Too Close to Home: Domestic Violence in the Americas* (Washington, DC: Inter-American Development Bank, 1999), 105–129; Violeta Bermúdez, "Legislación y Violencia Contra la Mujer en los Países del Area Andina" in Vicepresidencia de la República de Bolivia, ed., *Legislación Andina y Violencia Contra la Mujer* (La Paz: Vicepresidencia de la República de Bolivia, 1996), 37–55.

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TABLE 1

*National Criminal Legislation on Domestic Violence*

| | |
|---|---|
| Peru | Act No. 26260 of 1993, amended in March 1997 by Act No. 26763. |
| Chile | Act No. 19.325, "Establishing Standard Procedures and Penalties for Acts of Violence within the Family," 27 August 1994. |
| United States | Act No. 103-322, September 1994, Title IV, Violence against Women. |
| Argentina | Act No. 24.417, "Protection against Family Violence," 7 December 1994. |
| Panama | Act No. 27, 16 June 1995. |
| Uruguay | Act No. 16707, "Law on the Safety of Citizens," July 1995, adds to the Criminal Code Art. 321 (bis), defining domestic violence as a crime and stipulating punishments. |
| Ecuador | Law against Violence toward Women and the Family, November 1995. |
| Bolivia | Act No. 1674, "Law against Domestic and Family Violence," 15 December 1995. |
| Costa Rica | Law against Domestic Violence, March 1996. |
| Colombia | Law on Domestic Violence, 16 July 1996. |
| El Salvador | Law against Family Violence, September 1996, Decree No. 902. |
| Guatemala | Law 97-96 to Prevent, Punish and Eradicate Family Violence. |
| Nicaragua | Law containing amendments and additions to the 1996 Penal Code. |
| Dominican Republic | Law 24-97, defining domestic violence, sexual harassment, and incest as crimes. |
| Honduras | Law against Domestic Violence, Decree No. 132-97. |
| Mexico | Law against Domestic Violence, December 1997. |
| Venezuela | Law on Violence against Women and the Family, September 1998. |
| | *States without national-level legislation* |
| Canada | |
| Brazil | |
| Paraguay | |

Sources: Inter-American Commission of Women, "First Biennial Report of the Inter-American Commission of Women (CIM) on Compliance with Resolution AG/RES.1456 (XXVII-O/97)," June 1999. For Mexico, Stevenson "Confronting Violence," 16-7.

ways, authorize judicial protection orders such as prohibiting the aggressor from the home, and provide compensation for victims.

In the areas of education and social services, states have implemented broadly similar programs. All states conduct media campaigns intended to change social attitudes toward domestic violence, and provide some training for government officials, health services personnel, and other public sector employees likely to encounter cases of domestic violence. In addition, most states fund or facilitate research on domestic violence issues. Victims' services provided by states typically include telephone hotlines, counseling and group therapy, free legal services, municipal centers that provide references to a variety of government and private services, and temporary shelters. While important progress has been made, it is important to recognize that many of these programs, and especially shelters and victim support services, are woefully underfunded.

These similarities exist despite dramatic differences among American countries with respect to the distribution of resources among women and men,

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the number of women in public office or in high-paying jobs, the level of economic development, the state's domestic political structure, and other domestic-level variables. The United Nations Development Program (UNDP) offers the most systematic and reliable measures of women's political power and access to resources, two variables that are expected to influence state women's policies.[17] Even leaving out Canada and the United States, these measures show that significant variation exists among Latin American countries. In terms of gendered distribution of resources, Uruguay is the least unequal in Latin America, ranking 31st in the world; while Guatemala is the most unequal, ranking 107th. Yet Uruguay and Guatemala adopted similar domestic violence legislation within fifteen months of each other, and both countries have implemented similar policies such as national public education campaigns and training programs for police and other public authorities. With respect to women's access to political power, Chile performs the best, with a rank of 30th in the world, and yet Peru, with a rank of 89th, adopted criminal domestic violence legislation a few months before Chile. Honduras and Guatemala, which rank 116th and 117th respectively, both have adopted domestic violence legislation, while Brazil, placing 68th, has yet to do so.

In short, the important differences among American states with respect to women's power and access to resources simply do not correlate well with the broad similarities among state domestic violence policies, thereby undermining support for social movement hypotheses that expect such differences to matter.

## International Socialization

Constructivist and related theoretical approaches in international relations have made important progress in explaining similarities in state policies by focusing on the ways in which international norms and actors socialize states to behave in like-minded ways.[18] Martha Finnemore has argued that, "We cannot understand what states want without understanding the international social structure of which they are a part. States are embedded in dense networks of transnational and international social relations that shape their perceptions of the world and their role in that world. States are *socialized* to want certain things by the international society in which they and the people in them live."[19] Thomas Risse and Kathryn Sikkink define socialization as "the process by

[17] UNDP, *Human Development Report 1997* (New York: Oxford University Press, 1997).

[18] Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights: International Norms and Domestic Change* (Cambridge, UK: Cambridge University Press, 1999); Nitza Berkovitch, *From Motherhood to Citizenship: Women's Rights and International Organizations* (Baltimore: Johns Hopkins University Press, 1999); Martha Finnemore, *National Interests in International Society* (Ithaca: Cornell University Press, 1996).

[19] Finnemore, *National Interests*, 2. (Emphasis in original.)

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which international norms are internalized and implemented domestically."[20] In their view, three causal mechanisms ensure that most states will be socialized into adopting international norms: adaptation to pressures from powerful states or international organizations, or strategic bargains struck with those same actors; moral consciousness-raising, argumentation, dialogue, and persuasion, arising from the constant communication between abusive or indifferent governments and their critics; and institutionalization and habituation, a process that occurs over time after the first two mechanisms have socialized the state into initial adoption of the norm.

Transnational networks of human rights activists and organizations play a central role in the process.[21] Specifically, they carry out three types of activities that "constitute necessary conditions for sustainable domestic change."[22] First, they use media attention and public accusations to raise the profile of norm-violating states at the international level in an effort to shame them into compliance. Second, they empower domestic opposition groups by mobilizing and strengthening them through funding and moral-political support. Third, they create transnational structures that pressure the state both from within and without.

At first glance, the evidence presented above suggests that socialization processes are at work. Widespread similarities exist with respect to state domestic violence policies and practices, and virtually all American states adopted these measures within a very brief time span. This pattern is precisely what scholars should expect if international socialization matters. When states that differ dramatically in their domestic politics all adopt similar policies, we have *prima facie* evidence that international or transnational forces are determinative.

At the same time, international socialization theories face a difficult empirical problem: a number of states began implementing domestic violence policies before international norms were established, before transnational activism on the issue made important inroads into domestic politics, and before international organizations started pushing those norms. International norms regulating state behavior with respect to violence against women did not take shape until 1993–1994.[23] The major international statement on women's rights, the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which was adopted in 1979 and entered into force in 1981, does not explicitly mention violence against women. The UN Committee on the Elimination of Discrimination Against Women, charged with overseeing the implementation of CEDAW, in 1992 was the first intergovernmental hu-

[20] Thomas Risse and Kathryn Sikkink, "The Socialization of International Human Rights Norms into Domestic Practices: Introduction" in Risse, Ropp, and Sikkink, eds., *The Power of Human Rights*, 5.

[21] Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press, 1998).

[22] Risse and Sikkink, "Socialization," 5.

[23] Ursula O'Hare, "Realizing Human Rights for Women," *Human Rights Quarterly* 21 (May 1999): 370–374.

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man rights organization to equate violence in the home with a denial of human rights and to urge states to take preventive measures.[24]

States themselves did not create explicit norms on violence against women until December 1993, when the UN General Assembly adopted by consensus the Declaration on Violence Against Women. As a General Assembly resolution, however, the norm lacks the strong legal status it would enjoy if it were incorporated into official international treaties. In the Americas, an intergovernmental organization, the Inter-American Commission of Women (known by its Spanish acronym, CIM) of the OAS, played a key role in promoting regional domestic violence norms.[25] It first began discussing domestic violence issues in 1990 and initiated the process of drafting a convention in consultation with member states. The OAS General Assembly adopted the convention by acclaim on 9 June 1994, the point at which we can safely say that a strong norm of state action on domestic violence existed in the Western Hemisphere.

Yet some American countries began addressing domestic violence issues in the 1970s and 1980s, before international norms were developed and before most international organizations had the issue on their agenda. In the United States and Brazil, these efforts focused on local and state-level politics and clearly stemmed from grassroots movements. Women's groups set up the first shelters for battered women in the United States in the early 1970s and began to win local government funding for more shelters and victim assistance programs.[26] Beginning in 1985, women's groups successfully convinced local and state governments in newly democratizing Brazil to set up the first female police stations to encourage the reporting of domestic violence.[27] Further, domestic women's groups proposed domestic violence legislation well before the creation of international norms. Domestic violence legislation was introduced in the United States in the late 1970s (though the more modern version appeared in 1990), in Peru in the late 1980s, and in Chile in 1991. Each country had adopted the legislation by mid-1994. Some states thus actually wound up implementing international norms about the same time the norms came into existence and well before those same states had officially accepted those norms through treaty ratification procedures.

Finally, international socialization theories clearly fail to explain the evolution of domestic violence policies in the United States, admittedly a hard case

[24] For this statement and other international documents charting the progress of international norms on women's rights, see Carol Elizabeth Lockwood, Daniel Barstow Magraw, Margaret Faith Spring, and S. I. Strong, eds., *The International Human Rights of Women: Instruments of Change* (Washington, DC: American Bar Association, 1998).

[25] Inter-American Commission of Women, *Proceedings, Inter-American Consultation on Women and Violence* (Washington, DC: Organization of American States, 1994).

[26] Claire Reinelt, "Moving onto the Terrain of the State: The Battered Women's Movement and the Politics of Engagement" in Myra Marx Ferree and Patricia Yancey Martin, eds., *Feminist Organizations: Harvest of the New Women's Movement* (Philadelphia: Temple University Press, 1995), 84–104.

[27] Caldeira, "Justice and Individual Rights," 93.

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for claims about international socialization. The most important and well-known national-level women's organizations in the fight for federal domestic violence legislation have few transnational contacts and do not make any reference to international norms or U.S. global leadership when discussing domestic violence issues with Congress.[28] As Pat Reuss of the National Organization for Women commented, "There is a whole giant international movement on domestic violence, but very little connection between them and us. One of our greatest regrets is that we're still not working that closely together with women's groups in other countries. What are there, 215 countries in the world? Women from every one of those countries want to talk to me on how to do it. I just can't, and I do twelve to fourteen hour days."[29] Most U.S. activists laughed when asked if congressional representatives were concerned with international norms or the country's international image, both requirements for international socialization to work. As Juley Fulcher of the National Coalition Against Domestic Violence said, "Within Congress there's only a sense of what's coming across their desk, of what's happening right at the moment. Other than efforts to ratify CEDAW, which haven't been very successful, there is not much realization of the international arena. There is no real understanding of the connection worldwide."[30]

## A Two-Stage Model of Norm Diffusion

While both domestic women's movements and international socialization fail to explain important patterns and events in the diffusion of domestic violence norms, it would be a mistake to dismiss these factors completely. Each offers important insights into state policies on domestic violence and accounts for at least some of the observed patterns. As a result, we incorporate them into a simple two-stage model of norm diffusion that helps explain when women's movements matter and when socialization matters, and which countries are susceptible to which mechanism. Our point of departure is a recent model of norm diffusion offered by Martha Finnemore and Kathryn Sikkink that has not yet been subjected to empirical analysis.[31] We focus on the first two stages—emergence and acceptance—because domestic violence norms have not yet reached the third stage of internalization, a point we return to in the conclusion.

Although we adopt the notion of historically phased socialization and some of the reasoning about why states become socialized, our model departs funda-

[28] Authors' telephone interviews with Pat Reuss, senior policy analyst, National Organization for Women, 6 October 1999; Jan Erickson, government relations director, National Organization for Women, 4 October 1999; and Juley Fulcher, public policy director, National Coalition Against Domestic Violence, 4 October 1999.

[29] Authors' interview with Reuss.

[30] Authors' interview with Fulcher.

[31] Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52 (Autumn 1998): 887–917.

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mentally from Finnemore and Sikkink's sketch by incorporating domestic (as opposed to transnational) variables into the model and by theorizing about which states are responsive and which are resistant to socialization. In particular, we focus on the autonomy of women's groups and on the occurrence of policy windows to determine whether states will be leaders, followers, or nonconformists.

In the first stage, activist groups often (but not always) communicate transnationally with like-minded activists and conceptualize new norms of appropriate state behavior.[32] Working simultaneously at international and domestic levels, they begin a long process of persuading states and international organizations to create and implement new moral guidelines. Some states, which we label "leaders," adopt the proposed norms in national policy and legislation before the norm receives widespread international acceptance through international declarations, resolutions, or treaties. Although transnational communication among activists allows them to discuss their problems and strategies, the absence of clear international norms at this early stage ensures the primacy of domestic politics in determining which states will be leaders.

Two factors play a key role in activists' success at this early stage. The first is the development of autonomous organizations that can pressure the state by mobilizing protests and by raising public consciousness about the problem. The second is the opening of a policy window—that is, the opportunity for activists to push through policy changes.[33] Generally speaking, policy windows open when crises generate a need for political solutions or when there is a marked shift in political power or dominant political ideology within the state. At these moments, activists' proposals for policy change rise to the top of the political agenda as decision makers search for solutions to the crisis or for new ideas to distinguish themselves from previous office holders. By definition, crises are difficult to predict but often involve economic decline, policy failures with far-reaching consequences, or widespread violence. Abrupt shifts in political power or dominant ideology can occur either irregularly through regime transition or in a more stable fashion through decisive electoral victories. Both crises and political shifts open up wide-ranging discussions about the need to alter state-society relations.

Activists seeking to promote new norms enjoy important opportunities at these moments of political flux. Their proposals are more likely to receive a serious hearing, and individual citizens are more likely to be open to mobilization. As bureaucratic organizations, states are generally resistant to change. For centuries, states have viewed intrafamily violence as a private matter not relevant to state policy. The largest task facing domestic violence activists is to convince state policy makers that traditionally private matters should be made

[32] Ibid., 896–901.

[33] John W. Kingdon, *Agendas, Alternatives, and Public Policies* (New York: HarperCollins, 1995); John T. S. Keeler, "Opening the Window for Reform: Mandates, Crises, and Extraordinary Policy-Making," *Comparative Political Studies* 25 (January 1993): 433–486.

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public. Most of the time, states are unwilling to alter their relationships with societal groups in such fundamental ways. During crises or political shifts, however, state officials are willing to engage in broad-ranging debates about the nature of state-society relations in a variety of issue areas and to attempt restructuring processes. These moments of political debate provide the best opportunities for activist groups to influence state action.

In the second stage of norm acceptance or norm cascades, international socialization processes are more important than domestic activists, though domestic groups continue to play a role.[34] In this stage, a large number of states, which we label "followers," implement the norm in similar ways in a relatively short time span. For socialization to occur, international norms should be defined in clear and specific ways, either in the statements and procedures of key international organizations or in interstate conventions and treaties. Vague expressions of concern by the international community are less likely to be influential than precise articulations of state duties and obligations. Likewise, moral principles that enjoy the backing of prominent NGOs, religious leaders, or other normative entrepreneurs have more weight once they have been endorsed by state representatives in intergovernmental organizations or in formal treaties. Further, socialization is more likely if important leader states have already implemented the norm in domestic legislation. These leaders should be visible to other states in some way, either through their importance in the international arena or through the unusual nature of their action. Finally, transnational activists and international organizations, sometimes joined by leader states, must actively promote these norms, both through discourse and through economic incentives or penalties. Discursive measures include reports mandated by international organizations and interstate discussion of the issues at international conferences or in regional parliaments. Economic incentives include international funding for studies of the issues and for government programs necessary for norm implementation.

Not all states are equally likely to be socialized in this way. The most vulnerable states are those that care the most about their international status and those that are in the greatest need of economic financing for norm-related government programs. In the first case, states are more likely to care about their international status when they face domestic instability or serious domestic challenges to their legitimacy. Newly democratic states that are weakly institutionalized and prone to instability desire to conform with international norms to distinguish themselves from their predecessors and to help guard against authoritarian reversals.[35] Authoritarian states facing growing opposition from civil society have an interest in greater adherence to international norms in order to blunt the demands of the domestic opposition. In the second case, inter-

[34] Finnemore and Sikkink, "International Norm Dynamics," 902–904.

[35] Andrew Moravcsik, "The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe," *International Organization* 54 (Spring 2000): 217–252.

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national organizations seeking to promote norms are most likely to target impoverished states as locations where they can make the greatest difference and where their aid is most likely to be accepted or even sought after. Adopting international norms often requires some government expenditures for new bureaucracies, studies and research, publicity campaigns, and government programs. Relatively impoverished states are more likely to trade off some control over government programs in return for international financing.

Alternatively, some wealthy and stable states may become follower states if they develop conditions similar to leader states after international norms are in place. In these cases, social groups can push the state to adopt the norm "from below" at the same time that international actors push the state "from above."[36] In this respect, liberal international relations theorists have argued that international norms are most effective when powerful domestic groups promote those norms in domestic political debates.[37] As Andrew Moravcsik argues, international norms do not necessarily alter the external incentives facing a unitary state, but rather they change the "domestic incentives facing societal groups and politicians, thereby shifting the domestic coalitions that define state preferences."[38]

Nonconformist states—those that implement norms in substantially different ways from other states or that never implement them—are likely to consist of stable, wealthy states that lack either autonomous activist groups or significant political opportunities, or both. Stable, wealthy states are less likely to be socialized because they do not need international normative approval. The U.S. refusal to ratify or implement a wide array of international treaties, including a variety of human rights conventions, weapons proliferation agreements, and environmental accords lends plausibility to this argument. Some stable, wealthy states may still adopt international norms, but domestic factors are more likely to provide the driving force for change in these cases. In sum, leader states are characterized by autonomous social groups and key moments of political opportunity. Follower states lack either wealth or political stability or else develop the domestic characteristics of leaders. Nonconformist states are wealthy and stable but lack either autonomous social groups or political opportunity, or both.

## Analysis

To classify states as leaders, followers, or nonconformists, we focus on the creation of national-level legislation outlawing domestic violence as a crime and

[36] Alison Brysk, "From Above and Below: Social Movements, the International System, and Human Rights in Argentina," *Comparative Political Studies* 26 (October 1993): 259–285.

[37] Andrew Moravcsik, "Explaining International Human Rights Regimes: Liberal Theory and Western Europe," *European Journal of International Relations* 1 (June 1995): 157–189; Andrew P. Cortell and James W. Davis Jr., "How do International Institutions Matter? The Domestic Impact of International Rules and Norms," *International Studies Quarterly* 40 (December 1996): 451–478.

[38] Moravcsik, "Explaining International," 158.

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providing enforcement mechanisms. Although this measure is far from perfect and creates its own set of difficulties, it is superior to other possible measures. Ideally, we might measure changes in the actual extent of domestic violence against women over time. Unfortunately, no cross-country comparative measures exist; there are only a handful of national-level studies within a single country and exceedingly few that look across time.[39] Multiple difficulties related to underreporting, competing definitions of domestic violence, and a lack of funding prevent the gathering of meaningful information. Alternatively, we might look at the types of national programs that states implement and the amount of funding they provide. Again, no group tracks such information across countries, and states themselves are not clear about their efforts, to say the least, in their reports to international organizations and the attentive public. Even in countries with relatively efficient bureaucracies like Chile, assessing funding levels is essentially impossible because domestic violence programs are split between a variety of government agencies.[40] Finally, we might look at court decisions that help end domestic violence against women, but such information is, if anything, even more scarce.

National-level criminal legislation, on the other hand, can be compared cross-nationally and, even more importantly, offers a better measure of state action.[41] Legislation criminalizing domestic violence is a relatively difficult step for states to take when compared to media campaigns or shelters, because it implies a much higher level of direct state intervention in family life. Further, it is not usually accomplished by executive decree; nor does it result from the funding decisions of international organizations who might offer money to set up a shelter but cannot offer money for penal code reforms. Domestic violence legislation thus suggests a high level of active state commitment to the problem, though it is important to remember that it is not the only tool or even the most effective tool. Finally, in most cases, criminal legislation is one of the last steps that states take in addressing domestic violence issues. In our review of state policies, we found that no state adopted criminal legislation without first pursuing other steps like victims' services and media campaigns. As a result, by focusing on criminal legislation we capture other types of policies and have greater confidence we are measuring strong state action.

The timeline for state domestic violence laws can be found in Table 1. Peru, Argentina, Chile, and the United States qualify as leaders, while Canada, Brazil and Paraguay stand alone as nonconformists—the only American countries that lack national-level legislation that specifically targets and criminalizes

[39] Mayra Buvinic, Andrew R. Morrison, and Michael Shifter, "Violence in the Americas: A Framework for Action" in Morrison and Biehl, eds., *Too Close to Home*; UNICEF, "Domestic Violence Against Women and Girls," *Innocenti Digest* (May 2000): 4–6.

[40] Authors' email interview with Luz María Fernández, coordinator for the National Program for the Prevention of Intrafamily Violence, National Women's Service, Chile, 9 February 2000.

[41] A discussion of the importance of legislation, along with model legislation, may be found in Sewall, Vasan, and Schuler, *State Responses*, 91–125.

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domestic violence. Leader states all adopted domestic violence legislation about the same time that the norm was being institutionalized at an international level, and all initiated the legislative process well before the international norm was in place. Follower states adopting legislation from 1995–1998 did so in an international context in which the norm had been embodied in a regional treaty.

### *Leaders*

We expect that leader countries possess autonomous women's movements that can exploit political opportunities created by significant and wide-ranging political discussions on the state's role in society. Further, we expect that in this first stage, international socialization makes a minimal contribution to policy outcomes. Generally speaking, the leader countries appear to conform to these expectations. The United States, Chile, and Argentina all have well-developed civil societies in which women's groups enjoy important autonomy vis-à-vis political parties and the state, and are capable of launching new initiatives and mobilizing support. Although Peru's civil society is not as well developed, women's groups gained important levels of autonomy and mobilization in the early 1980s and 1990s.

Additionally, women's groups received key political opportunities in each of these countries in the early 1990s, enabling them to convince policy makers of the importance of domestic violence legislation. In Chile, Argentina, and Peru, these windows of opportunity consisted of broad debates on fundamental constitutional reforms, while in the United States it involved a remarkable if short-lived shift in political power and prevailing ideology in 1993–1994. In Chile, the 1990 return to democracy opened a wide-ranging discussion of state-society relationships that included an extensive package of proposed constitutional reforms and a heightened concern with women's issues among political parties.[42] In Peru, President Alberto Fujimori's April 1992 *autogolpe* (self-executed coup) initiated a constitutional reform process in which women played an important role. In Argentina, a 1991 law required that 30 percent of the upper positions on electoral party tickets be comprised of women, increasing the number of women legislators from 5.5 percent to 12.8 percent of the total by 1993, and helping ensure that women would gain 26.4 percent of the seats in a new assembly created to reform the constitution.[43] Although the main issue in constitutional reform was presidential reelection, feminists took advantage of the national debate and the reform process to push new ideas about state responsibilities regarding women. In the United States, after the end of the Reagan-Bush era, the Clinton administration's effort to rethink state-society relations

[42] Valenzuela, "Women and the Democratization Process," 55–59.

[43] María del Carmen Feijoó, "Democratic Participation and Women in Argentina" in Jaquette and Wolchik, eds., *Women and Democracy*, 41–43.

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on key issues such as health care, and Democrats' newfound dominance of Congress and the presidency created the first political opportunity since 1980 for women to push issues like domestic violence. To buttress these broad comparative claims, we explore these hypotheses by using process-tracing methodology in two cases: the United States, a case where women's groups are most likely to wield influence, and Peru, a least-likely case.

The "battered women's movement," as it was known in the United States, first appeared in the early 1970s.[44] For its first twenty years, it consisted of a broad and uncoordinated social movement composed of a wide variety of groups that concentrated their efforts at local and sometimes state (but not federal) levels. Initially, these groups focused on seeking government funding for shelters and trying to raise public consciousness about the problem. By the early 1980s, women's groups were scoring important successes, even in conservative states such as Texas, which initiated a pilot program for government-funded shelters in 1981.[45] Activists also pushed states to adopt specific legislation protecting spouses from abuse, as traditional assault laws were rarely applied to family violence situations.[46] By 1983, individual social groups had convinced forty-nine states to offer some kind of legislative protection to battered women, although the strength, scope, and form of the laws varied greatly.[47] From time to time, these efforts bubbled up to the national level, as when a 1977 national women's conference led to the creation of the National Coalition Against Domestic Violence, or when Congress passed legislation that offered some limited funding for shelters and counseling services for domestic violence victims in 1984.[48] Generally speaking, however, national-level women's organizations did not focus on the issue in the 1980s, and the political climate was decidedly unfavorable.

Still, the grassroots social movement helped keep the issue in the public eye through continuing media coverage of horrific cases of spouse abuse and by discussing "new" issues like marital rape. In response to these stories, which were sometimes mentioned by constituents and political donors, Senator Joseph Biden (D-DE) decided to put together legislation on marital rape in 1990.[49] Victoria Nourse, a member of Biden's staff, called Sally Goldfarb at the National Organization for Women (NOW), and they began to discuss possible legislation. Although NOW had not worked on these issues before, discussions between sympathetic senators, congressional representatives, and women's groups produced a decision to legislate broadly on the issue of domestic vio-

[44] Elman, *Sexual Subordination*, 35–39; Gelb and Palley, *Women and Public Policies*, 225–231.

[45] Reinelt, "Moving onto the Terrain," 92–3.

[46] Lisa G. Lerman, Leslie Landis, and Sharon Goldzweig, "State Legislation on Domestic Violence" in Joseph J. Costa, ed., *Abuse of Women: Legislation, Reporting, and Prevention* (Lexington, MA: D. C. Heath and Company, 1983), 39–74.

[47] Ibid., 39.

[48] Gelb and Palley, *Women and Public Policies*, 225–231.

[49] Authors' interview with Reuss.

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lence. Biden first introduced the Violence Against Women Act in Congress in June 1990, and Representative Barbara Boxer introduced similar legislation in the House in January 1991. At first, the bills went nowhere, swamped by other agenda items and resisted by conservatives. Over the next three years, women's organizations carefully built support for the issue through lobbying and broader public consciousness-raising.

A crucial window of opportunity finally opened in 1993–1994, when newly elected President Bill Clinton set a political agenda that included expanding the state's role in society, and Democrats' control of both the legislative and executive branches offered a more favorable political climate. The 1994 O. J. Simpson case forced domestic violence issues into the national spotlight for several months and undoubtedly opened political doors, even though many activists had mixed feelings about using the case.[50] After a long stop-and-go legislative process, the Violence Against Women Act (VAWA) gained President Clinton's signature in August 1994, shortly before the window of opportunity closed again when the Republicans won control of Congress in the November elections.

Although states first created international norms on domestic violence in 1993–1994, the progress of VAWA was entirely domestically driven and had only a tenuous connection with broader international affairs. The major national women's organizations cultivated few transnational ties and neglected developing international norms for strategic lobbying reasons. The Clinton administration even failed to sign the inter-American convention on violence against women and certainly did not seek ratification or use the treaty as a way to push for domestic legislation. Transnational activism may have helped put the issue on the U.S. agenda in more oblique ways by raising consciousness and increasing media attention, but it had little direct influence on the U.S. political process.

Peru lacks the strong and well-developed civil society that characterizes the United States, yet women's groups gained significant strength and autonomy in the late 1970s and early 1980s with the transition to democracy.[51] Feminist groups such as Flora Tristán, Manuela Ramos, and Mujer y Sociedad began formulating domestic violence legislation in the 1980s with the idea of winning approval of the law under Alan García's populist government.[52] Although they were aware that some European countries were beginning to discuss domestic

[50] Interviews with Erickson and Fulcher.

[51] Maruja Barrig, "The Difficult Equilibrium Between Bread and Roses: Women's Organizations and Democracy in Peru" in Jaquette, ed., *The Women's Movement*, 151–175; Maruja Barrig, "Female Leadership, Violence, and Citizenship in Peru" in Jaquette and Wolchik, eds., *Women and Democracy*, 104–124.

[52] Much of the information in this paragraph is taken from an email interview conducted from 5–7 December 1999 with Zoila Hernández, executive director of Consultoras Tres, a Peruvian feminist NGO. Hernández was active throughout the 1980s and 1990s in domestic violence issues and the legislative efforts.

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violence issues, Peruvian women drafted the legislation on their own without being able to refer to international documents or comparable legislation in other countries, and without strong ties to international women's groups. They found a few allies in Peru's Congress, but only among women legislators, especially Lourdes Flores of the Popular Christian Party. At first, Peru's male-dominated legislature mocked the women's efforts, claiming that the men could write their own legislation. In the face of an economic crisis, and not wanting to rock the boat with his cronies, García paid little attention to the effort. Until 1992, feminist NGOs and women legislators continued to use an insider-outsider strategy similar to the one in the United States, but made little progress in the absence of political opportunities.

The window of opportunity finally appeared in an unusual way. In April 1992, Fujimori used an *autogolpe* to disband Congress, increase the military's authority, and centralize power in his hands. In subsequent months, strong international pressures pushed Fujimori to hold elections for a new Constitutional Congress in November 1992. Paradoxically, this process opened some important opportunities for feminist groups: "President Fujimori's April 1992 closing of the Congress ... shattered the political parties' credibility and brought the independent organizations back into the political limelight."[53] When Peru's major parties chose not to participate in the elections, women leaders enjoyed more media attention and became prominent candidates. Despite Fujimori's popularity, pro-regime candidates captured only forty-three of eighty seats in the Constitutional Congress, allowing opposition voices to be heard.[54] Women seized advantage of the temporary demise of strong political parties to push domestic violence legislation in the Congress, winning presidential approval in December 1993. This chain of events matches our theoretical expectation that political opportunities, defined in terms of national political agendas that are open to fundamental restructuring of state-society relations, are key determinants of leader states.

### *Followers*

In the second phase of norm diffusion, we expect that international organizations and leader states will play a key role in socializing noncompliant states through communicative interaction and material incentives such as grant money to develop programs related to the international norms. Among the organizations playing a key role in the international socialization of domestic violence norms in Latin America are the Pan American Health Organization (PAHO), the Inter-American Development Bank (IDB), and the Inter-American Commission of Women. Since 1990, they have promoted a variety of re-

[53] Barrig, "Female Leadership," 110.

[54] Susan Stokes, "Peru: The Rupture of Democratic Rule" in Jorge I. Domínguez and Abraham F. Lowenthal, eds., *Constructing Democratic Governance: South America in the 1990s* (Baltimore: Johns Hopkins University Press, 1996), 66.

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forms: reconceptualizing domestic violence as a human rights abuse and a responsibility of states; legislative changes codifying domestic violence as a crime; victims' services programs funded and evaluated by the international organizations; media campaigns to raise consciousness about the problem; training programs for judicial, health sector, police, and related officials; and cooperation between governments and domestic nongovernmental counterparts on these issues.

To begin, international organizations prodded states to create new international norms. The CIM, an inter-American organization for the promotion of women's issues established in 1928, took the lead in this process. Prior to 1990, states viewed domestic violence as an area beyond their jurisdiction and had little interest in legislating the matter domestically, let alone in creating an international treaty on the topic. Yet the CIM picked up on new ideas circulating within transnational women's groups that domestic violence was a matter of public concern; even more, it constituted a human rights abuse.[55] Working with this reconceptualization, in 1990 the CIM convened the Inter-American Consultation on Women and Violence, the first broad-based conference sponsored by an intergovernmental organization to deal specifically with violence against women.[56] The conference attracted a wide variety of governmental and academic participants from all OAS member states and produced a commitment to create an international convention on the topic. Later that same year in a regular meeting of the CIM, state representatives adopted the Declaration on the Eradication of Violence Against Women, which directed the resources of the CIM to the goal of ending gender violence.[57] During the next four years, the CIM spearheaded efforts to draft an inter-American convention on violence against women, which was adopted in mid-1994 and went into effect on 5 March 1995. Since then, the CIM has played an important role in engaging American states in a dialogue on the importance of domestic violence by monitoring state compliance with the convention and by urging them to intensify their efforts.

Complementing CIM's focus on domestic violence as a human rights issue, the Pan American Health Organization (PAHO) began to urge American states in the early 1990s to confront domestic violence as a serious health issue. Some of PAHO's most significant work has been focused on the impoverished and strife-torn countries of Central America. In March 1992, PAHO's Program on Women, Health, and Development convened a meeting of Central Ameri-

[55] Charlotte Bunch, "Women's Rights as Human Rights: Toward a Re-Vision of Human Rights," *Human Rights Quarterly* 12 (November 1990): 486–98; Dorothy Thomas and Michele E. Beasley, "Domestic Violence as a Human Rights Issue," *Human Rights Quarterly* 15 (February 1993): 36–62; Arvonne S. Fraser, "Becoming Human: The Origins and Development of Women's Human Rights," *Human Rights Quarterly* 21 (November 1999): 899–904.

[56] CIM, *Proceedings.*

[57] Ibid., 213–216.

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can states to discuss violence against women as a public health problem.[58] Studies presented at the conference broke new ground by identifying and naming violence against women as a public health problem and by discussing the social and economic costs of intrafamily violence.

In 1993, PAHO urged its member governments to establish national policies and plans and to mobilize resources for the prevention and control of violence.[59] The following year, at the meeting of the Central American Health Sector, the ministers of health of Central America and the executive presidents of social security committed to incorporating gender perspectives into health policies and programs. PAHO slowly built consensus on the importance of addressing domestic violence by routinely discussing the issue with lawmakers, cabinet ministers, NGOs, and specialized UN agencies, and by ensuring it was on the agenda at summits of Central American heads of states and meetings of the first ladies.[60] In addition, PAHO has funded a variety of studies on improving early detection and health care options for women victims of domestic violence and has conducted sensitivity training for policy makers.

International funding and support for domestic NGOs has been an important part of the socialization process. A wide variety of international organizations, foreign governments, and charitable foundations have helped organize and fund national-level networks of NGOs on violence against women in the least-developed Latin American countries, generally in the Andean and Central American regions. In Nicaragua, for example, international actors played a key role in establishing and funding networks on women's health and on violence against women in the early to mid-1990s.[61] The director of PAHO's Women, Health, and Development Program in that country maintains close ties with both government health officials and NGOs to facilitate state action. Further, regional meetings such as the Central American women's health conference in El Salvador in May 1995 have brought together NGOs, government officials, and international organizations to exchange viewpoints and discuss solutions.[62]

This particular focus on Central America explains the remarkable similarities between the national plans and legislative changes that were effected by the targeted governments. From 1995 to 1997, all seven of the Central American governments targeted by PAHO (Nicaragua, Belize, Costa Rica, Honduras, El Salvador, Panama, and Guatemala) recognized violence against women as a public health problem and passed laws under which domestic violence became

[58] Pan American Health Organization, Subcommittee on Women, Health, and Development, "Addressing Violence Against Women in Health Sector Reform Policies in Central America," 8 January 1999.

[59] Ibid., 3.

[60] Ibid., 8.

[61] Christina Ewig, "The Strengths and Limits of the NGO Women's Movement Model: Shaping Nicaragua's Democratic Institutions," *Latin American Research Review* 34 (no. 3, 1999): 75–102.

[62] Ibid., 82–85.

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punishable. Several Central American countries specifically cited the materials developed by PAHO's Subcommittee on Women, Health, and Development as the guide that they used for implementing programs to prevent violence against women and to assist victims.[63]

Other international organizations have focused on providing grant money for government programs that translate rhetoric into action. In the mid-1990s, women's activists and intergovernmental organizations like PAHO convinced the major regional lending institution, the Inter-American Development Bank (IDB), that domestic violence is not merely a social, private problem but a major obstacle to sustainable economic development.[64] As a result, in 1996 the IDB provided $2.875 million in nonreimbursable financing to fund a series of pilot programs in six Latin American countries designed to create prevention programs and treatment networks for women who are victims of domestic violence.[65] The project attempts to create linkages between emergency rooms, health posts, police stations, civil and criminal courts, counseling and advisory services, crisis centers, and shelters. It also offers training designed to sensitize health specialists, police, public officials, and others to domestic violence issues. Other projects focused on domestic violence include $650,000 for judicial training, $707,000 for pilot projects designed to produce knowledge about the "best practices" to deal with domestic violence, and $326,000 to two Chilean NGOs that provide victims' services. Additionally, the bank has allocated more than $346 million to programs designed to reduce all forms of violence in Latin American countries, and many of these programs have domestic violence components. Finally, the IDB has conducted numerous studies on socioeconomic impacts, finding that women's wage losses from domestic violence average between 1.6 and 2.0 percent of GDP and that expenditures on all types of violence prevention and treatment cost states between 5.1 percent and 24.9 percent of GDP each year. These large numbers, combined with the bank's credibility, undoubtedly contribute to socialization processes by earning policy makers' attention. They frame domestic violence issues in terms of economic development costs and thus increase the likelihood that states dominated by hardened technocrats will take the issue more seriously.

At the turn of the century, socialization efforts have actually increased rather than tapered off. Other international organizations have joined the effort, and with groups already active in this area have begun pushing states to implement the legislation they adopted to expand services available to victims, to seek for ways to prevent domestic violence, and to change widespread social attitudes about domestic violence. In 1996, the UN General Assembly es-

[63] Pan American Health Organization, Subcommittee on Women, Health, and Development, "Final Report," 9 February 1999, 6.

[64] Authors' telephone interview with María Loreto Biehl, consultant, Women in Development Unit, IDB, 5 April 1999.

[65] Inter-American Development Bank, "Combating Violence in the Americas: IDB Projects and Initiatives," March 1999.

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tablished a trust fund administered by the UN Development Fund for Women (UNIFEM) to give grants to governmental and nongovernmental groups working toward eliminating domestic violence.[66] As of July 1999, the fund had granted awards totaling some $3.3 million to groups in a variety of developing countries for projects as diverse as police training, the production of media materials, and the translation of legislation into native languages. In 1998, a variety of United Nations agencies launched a new program to combat violence against women and girls.[67] The effort focuses on media campaigns, public awareness, training for police and government officials, legal reform, and building networks. Although it is too early to know the results, we expect these efforts to deepen states' commitments to domestic violence issues, especially in countries that lack high levels of development.

### *Nonconformists*

Although international socialization is a powerful process capable of influencing a wide variety of countries, not all countries are vulnerable. We argue that nonconformists are likely to be stable, wealthy states that lack either autonomous social movements or political opportunities, or both. At first glance, our hypothesis receives some important support. Canada and Brazil, both nonconformists, meet the criteria of relatively stable, wealthy states, while Paraguay stands as an anomaly. Another relatively wealthy and stable state, Mexico, was a late follower.

The major difficulty here is the classification of Canada. In many ways, Canada has been a leader on domestic violence issues, pursuing multifaceted family violence initiatives with aggressive education campaigns and training for public officials.[68] Yet it is important to remember that we do not use the term "leader" to refer to countries with the best or most polished record, but rather those countries to act first in ways that were later imitated by others. Likewise, "nonconformist" does not refer to the states that have done nothing, but rather to the states that have not adopted the standard procedures and behavior. A standard procedure for addressing domestic violence has evolved among states, which is not the same as saying the best way to address domestic violence is to follow this procedure. The concept of socialization does not imply that unsocialized states or individuals are wrong or misguided. Clearly, in this way, Canada is a nonconformist: it has acted differently from other states by failing to adopt national legislation on domestic violence. Nor is it a simple matter of the provinces acting or of the problem being addressed effectively in other ways. In Canada, criminal law is largely a federal matter, and Canadian feminists have

[66] Information available on UNIFEM web site, www.unifem.undp.org/trust, 8 October 1999.

[67] See the web site at www.undp.org/rblac/gender, 11 September 1999.

[68] Committee on the Elimination of Discrimination Against Women (CEDAW), "Concluding Observations of the CEDAW: Canada, 29/01/97" (http://www.unhchr.ch/tbs/doc.nsf), 17 September 1999.

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pushed unsuccessfully for adoption of criminal legislation.[69] Its absence, some believe, weakens Canada's struggle against domestic violence.

A comparison of Mexico and Brazil, the two wealthiest and largest states in Latin America with differing outcomes on the dependent variable, provides an interesting test for our hypothesis. Neither state has a strong need to conform to international norms, especially when those norms receive little attention from the regional hegemon, the United States, in its foreign policy. Neither state is in as much need for international funding for government programs as their more impoverished neighbors. Yet Mexico implemented national domestic violence legislation in 1997—a relatively late date but still within the scope of follower countries. Brazil has not yet passed an equivalent law. The key difference appears to lie in the political opportunities available to women's groups in these countries in the 1990s. Somewhat paradoxically, Mexico offered more opportunities than Brazil.

Brazilian women's groups made significant headway on domestic violence issues in the mid- to late-1980s, precisely when Brazil was engaged in a transition to democracy and a wide-ranging national debate on state-society relations that included drafting a new constitution.[70] Women's groups even successfully included language against domestic violence in the constitution, but then the state never passed enabling legislation. This pattern of events fits our argument that political opportunities determine whether women's groups will successfully influence leader states. For a time, Brazilian state-society relations were open to negotiation, and women's groups blazed a trail by setting up special police stations and introducing domestic violence into the constitution. At the same time, women's groups—whether from inertia, design, neglect, or poor information—failed to take advantage of the political climate to push legislation against domestic violence.

Once state-society relations were defined in the late 1980s, the political opportunity passed. Political parties regained domination of the political process and began to marginalize women's groups by paying lip service to their concerns while in fact ignoring their agenda.[71] Women's groups rallied by holding the first National Conference of Popular Organizations Against Violence Against Women in Sao Paolo in 1993 under the slogan "impunity is the accomplice of violence." Feminist attorneys and legislators stepped up attempts to pass domestic violence legislation, but the process stalled.[72] State-sponsored women's councils that had so actively promoted women's issues when first created in the 1980s lapsed into inactivity and became tools of the state. With the

[69] Authors' email interview with Pat Marshall, former expert adviser on domestic violence to the attorney general of Ontario, 16 August 2000.

[70] Caldeira, "Justice and Individual Rights"; Sonia Alvarez, "The (Trans)formation of Feminism(s) and Gender Politics in Democratizing Brazil" in Jaquette, ed., *The Women's Movement*, 13–63; Nelson, "The Defense of Honor."

[71] Alvarez, "The (Trans)formation," 46–47.

[72] Caldeira, "Justice and Individual Rights," 93–94.

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key opportunity offered by democratization now in the past, women's groups have been unable to make much headway.

Mexico also fits our theoretical expectations. We expect relatively wealthy, stable states to be resistant to socialization unless domestic forces are aligned in the same way as in leader states: autonomous women's organizations combined with political opportunities to change state-society relations. In such cases, social movements and international socialization produce mutually reinforcing effects resulting in changes in state policy. Autonomous women's groups engaging issues of violence against women first emerged in Mexico in the late 1970s and early 1980s, motivated in part by international women's conferences and in part by the initial stages of decay in Mexico's one-party political system.[73] The underlying stability of Mexico's ruling party and its male-dominated political processes, however, offered few opportunities for women's groups to make their mark on public policy. Mexican NGOs concerned with violence against women focused their energy on reforms to sex crimes laws that would broaden the definition of rape, provide services for rape victims, and increase punishments for offenders.[74] Although women's groups achieved important victories when the Mexican congress passed a series of sex crimes reforms from 1989–1994, the narrow focus of this legislation on the well-established crime of rape highlights the lack of political opportunities during this time. Broader issues of domestic violence that involve much higher levels of state intervention in family life remained off the legislative agenda and out of the public eye despite the fact that other American states were acting on these issues in the early 1990s.

In the mid-1990s, two factors coincided to put domestic violence on the public agenda and to produce national legislation on this topic. First, the creation of international norms and the activities of international actors placed new socialization pressures on Mexico. Preparation and follow-up for the UN–sponsored International Conference on Women in Beijing in 1995 produced a flurry of activity from women's NGOs and their governmental counterparts.[75] The National Development Plan of 1995–2000, the National Program for Women 1995–2000, and the second national meeting of government agencies

[73] Linda S. Stevenson, "Confronting Violence Against Women in the Mexican Democratization Process: From the Streets to the Congress" (paper presented at the American Political Science Association, Atlanta, Georgia, 2–5 September 1999), 1–43; Carmen Ramos Escandón, "Women's Movements, Feminism, and Mexican Politics" in Jaquette, ed., *The Women's Movement*, 199–221; Gerardo González Ascencio, "Sociedad Civil Organizada y Poder Parlamentario: Un Binomio Posible en el Caso de la Reforma a los Delitos Sexuales" in Gerardo González Ascencio and Patricia Duarte Sánchez, eds., *La Violencia de Género en México, Un Obstáculo para la Democracia y el Desarrollo* (Mexico City: Universidad Autónoma Metropolitana Azcapotzalco, 1996), 167–189.

[74] Linda S. Stevenson, "Gender Politics in the Mexican Democratization Process: Electing Women and Legislating Sex Crimes and Affirmative Action, 1988–97" in Jorge I. Domínguez and Alejandro Poiré, eds., *Toward Mexico's Democratization: Parties, Campaigns, Elections, and Public Opinion* (New York: Routledge, 1999), 57–87; González Ascencio, "Sociedad Civil Organizada."

[75] Stevenson, "Gender Politics," 60–62.

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concerned with sex crimes, held in 1995, each identified domestic violence as an important public priority for the first time.[76] Conferences organized and sponsored by Mexican NGOs and intergovernmental organizations like UNIFEM and PAHO kept the spotlight on domestic violence issues and produced government acknowledgements of the need to legislate on this issue.

Second, the country's first truly competitive legislative elections in mid-1997 created a golden window of opportunity. Just two weeks before the elections, a broad alliance of NGOs and feminist groups recruited representatives from the eight most important political parties to sign a statement on five legislative goals for women's issues that would provide a consensus direction for the new legislative period.[77] Intrafamily violence figured prominently among these demands, which included a broad array of gender issues that went far beyond sex crimes. In the July 1997 elections, opposition parties gained control of the lower chamber of congress, laying the ground for continuing political contestation and opening a wide-ranging debate on how to reform state-society relations. Feminist groups continued to push their demands for change, and political parties in a newly competitive environment were anxious to court women voters. Within a few months, Mexico's powerful executive, seeing the political writing on the wall, submitted legislation on domestic violence that was approved just one month later in December 1997. In short, women's groups acting autonomously set the agenda for Mexico's political parties rather than vice versa, a remarkable occurrence in the history of Mexican politics. It is difficult to imagine such an event happening in the absence of the political opportunity created by the first real competition among Mexican political parties.

One alternative explanation that should be considered is that federal states are more resistant to socialization than centralized states, or that socialization takes a different form in federal systems. We cannot dismiss this hypothesis, and we think it worthy of further exploration. It seems more than coincidental that Canada and Brazil are two of the three most important federalist systems in the Americas. At the same time, the United States, the third major federalist system, did adopt national-level criminal legislation despite the fact that most criminal prosecution rests with state officials. In short, the evidence is mixed but suggests the need for a better understanding of how new international norms get replicated in federalist systems.

## Conclusions

To summarize our argument and findings, two causal mechanisms are at work in the process of international norm diffusion: pressure from domestic social groups and international socialization. Although both factors can operate at the

[76] Patricia Olamendi, ed., *La Lucha Contra la Violencia Hacia la Mujer: Legislación, Políticas Públicas y Compromisos de México* (Mexico City: United Nations Development Fund for Women (UNIFEM), 1997); Jarmila Olmedo, "Violencia Intrafamiliar: Un Asunto de Interés Público" in ibid., 45–48.

[77] Stevenson, "Gender Politics," 71–72.

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same time, our study suggests that they work in an historically phased process in which domestic pressure groups first produce leader states that implement policies consistent with evolving norms before those norms have become internationally accepted or institutionalized. In the second phase, international socialization is more important than domestic politics, as international organizations and foreign states pressure nonconformist states to change their policies to meet the standards of new international norms.

This model of norm diffusion is not exclusive to domestic violence or even to human rights issues generally. In some ways, domestic violence issues constitute a difficult case for norm diffusion theories, because activists promote entirely new ways of conceptualizing state responsibility. Many other international human rights norms focus on abuses where state responsibility for the violation is much more obvious (for example, torture). Domestic violence issues, in contrast, require relatively high levels of state intervention in the traditionally private sphere of family life despite the fact that state agents are not causing the abuse. The fact that norm diffusion worked so quickly in this case suggests that it might also work in a variety of other issue areas. Although further testing is obviously needed, we expect our model would work outside the Americas as well. Nothing in the theoretical reasoning is specific to the Western Hemisphere. Important variation exists among Latin American countries, and even wider variation exists with the addition of the United States and Canada to the data set. Yet the theoretical reasoning can help explain the peculiar similarities among countries that fall into the different categories of leaders, followers, and nonconformists with respect to domestic violence issues.

By using theoretical criteria to sort states into these categories, this historically phased model differs from other prominent attempts to theorize international socialization processes. John Meyer and his colleagues have argued that global cultural norms, international regimes (broadly defined), and international actors embedded in a world polity socialize states to adopt similar policies and bureaucratic structures.[78] This global polity approach emphasizes uniformity among dissimilar states, finding important similarities among such states as diverse as Lebanon, Sudan, Kenya, the United States, and Great Britain.[79] Yet clearly, not all states adopt international norms, and not all adopters implement them equally or in the same time frame, a point that some within the global polity approach have begun to recognize.[80] An historically phased model that includes prominent variables from domestic politics can better explain variation in socialization than the global polity approach. Whether simi-

[78] John W. Meyer et al., "World Society and the Nation-State," *American Journal of Sociology* 103 (July 1997): 144–181; Martha Finnemore, "Norms, Culture, and World Politics: Insights from Sociology's Institutionalism," *International Organization* 50 (Spring 1996): 325–47.

[79] Finnemore, *National Interests*, 59–64.

[80] James Ron, "Varying Methods of State Violence," *International Organization* 51 (Spring 1997): 275–300.

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larities or variations are more pronounced among socialized states is a crucial empirical question in need of much more research.

Although this study offers important support for claims about state socialization, it also suggests that scholars should exercise caution. In one of their most important theoretical claims, constructivist scholars hold that international socialization leads states to reconstitute their identities and interests. In the case of domestic violence issues at the turn of the century, such a claim would be too strong. Although states have passed legislation, have created enforcement mechanisms, and have begun to set up shelters and other social services, they still have a long way to go in stopping domestic violence or even internalizing state responsibility toward these issues. States' long-term commitment to these programs is still unclear. Before declaring that international norms have reshaped identities and interests, state programs must stand the test of time. Reconceptualizing domestic violence as a matter for state involvement is not the same as redefining the state. Over time, state involvement in family abuse may become more deeply institutionalized, but for the moment its long-term grasp on state policy is uncertain.

The United States offers a golden example of this point. Although the political obstacles are not nearly as formidable as in the early 1990s, women's groups advocating funding for VAWA programs still face opposition from legislators who question why the national government should be legislating on this issue and whether the funding would not be better spent elsewhere. In fact, the U.S. Supreme Court recently struck down a portion of VAWA by invalidating a provision allowing women to sue their domestic attackers for monetary damages in federal civil court. As a result, responsibility for domestic violence issues has already been partially stripped from U.S. notions of the good state. In addition, funding for VAWA programs was reduced by about one-third between 2000 and 2001, from $677.3 million to $468.4 million.

As a result, scholars should broaden the ways in which they conceptualize the outcomes of the socialization process. Constructivists have insisted on examining the origins of state interests, because they rightly argue that rationalists have failed to do so. Yet in focusing so exclusively on state interests and identities, they miss the possibility that state interaction produces behavioral outcomes that do not require states to redefine their interests. Where new international norms ask states to adopt policies that cut against long-engrained and widespread social practices, we should not expect socialization to have a profound impact, especially in the short term. If anything, state interaction is likely to create an initial discursive commitment that can only be deepened over time through the efforts of interested domestic groups.*

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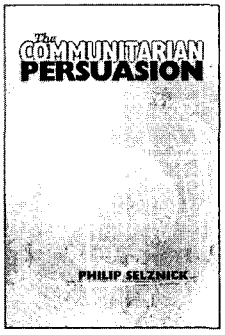


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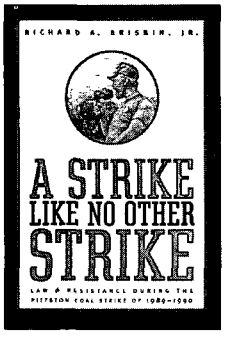


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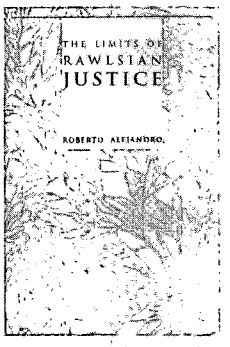


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# The Increasing Senate Scrutiny of Lower Federal Court Nominees

ROGER E. HARTLEY
LISA M. HOLMES

In 1997, the American press made note of a crisis over delay in filling vacancies in the lower federal bench.[1] President Bill Clinton was chastised for selecting nominees too slowly and the Senate Judiciary Committee was particularly criticized for playing politics by delaying confirmations. Each side of the debate agreed that delay in filling lower court vacancies had created a crisis in judicial workload. However, beneath the surface of the 1990s judicial confirmation crisis lurks a wider political debate about the importance of who should staff the federal courts.

Presidents since Richard Nixon have publicly declared judicial nominations to be of great importance to their policy agendas. Presidential interest in packing the lower federal bench, however, does not go unnoticed by members of the Senate, who may respond with increased scrutiny of nominations through their advice and consent role. A recent example of such attention in the Senate was shown by Judiciary Chairman Orrin Hatch (R-UT) when he warned, "let President Clinton know that despite his re-election he did not have carte blanche to pack the federal bench with liberal activists."[2] Questions have been raised by Democrats as to whether Clinton's lower court nominations were be-

[1] See Dan Carney, "More Challenges to Clinton Nominees Cause Judicial Stalemate," *Congressional Quarterly Weekly Report*, 22 November 1997, 2912–2914; Neil Lewis, "Republicans Begin Clearing Backlog of Nominees," *New York Times*, 25 October 1997.

[2] Henry J. Reske, "Withholding Consent: Senate Judiciary Chair Says He Won't Approve Activist Judges," *ABA Journal* 28 (February 1997).

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ing intentionally blocked, while Republicans counter that they were just using their powers of advice and consent in scrutinizing the judicial philosophy of nominees.[3] The situation highlights the political nature of appointments to the lower judiciary, causing gridlock and delay in filling vacancies to the bench.[4]

Despite the attention paid to the controversy, we argue that scrutiny of lower federal court nominations in the Senate is not unique to the Clinton administration during the tenure of Orrin Hatch as Judiciary Committee chair. Instead, increased scrutiny of lower court nominees has been a long time in the making. Lower court nominations became more contentious during the Carter administration, increased further late in Reagan's second term, and reached a zenith after the 1994 Republican takeover of Congress.

## Background and Review of Literature

The appointment process of lower federal court judges has never received as much attention and scrutiny as that of Supreme Court justices. Compared to Supreme Court nominations, district court and courts of appeals vacancies are more frequent and have been considered to be less politically salient by the president, members of the Senate, the media, and the public. In the past, relatively little empirical research had been conducted on the selection of lower court judges. Most have offered explanations of the appointment and confirmation process,[5] the types of nominees selected,[6] and efforts by presidents to pack the courts.[7] Only recently have studies assessed the partisan and policy concerns of administrations in selecting the lower federal bench.[8]

There has been more attention paid to the selection of lower federal court judges by all the important actors in the appointment process. These judges are increasingly viewed as having important policy-making functions, and more recent presidents have publicly acted to shape the lower bench in their policy image. The long political life of the lower judiciary is often viewed as an opportunity to shape policy well after a president leaves Pennsylvania Avenue.[9] To date, however, little research has been conducted on whether the increased focus on lower court nominations by presidents has been accompanied by greater scrutiny of these nominees by those in the Senate.

[3] Ibid.

[4] See Carney, "More Challenges to Clinton Nominees Cause Judicial Stalemate"; also Sheldon Goldman and Elliott Slotnick, "Picking Judges Under Fire," *Judicature* 82 (May-June 1999).

[5] See Harold W. Chase, *Federal Judges* (Minneapolis: University of Minnesota Press, 1972); and Neil D. McFeeley, *Appointment of Judges* (Austin: University of Texas Press, 1987).

[6] See numerous works of Sheldon Goldman on lower federal judicial appointments published in *Judicature.* For example, see Sheldon Goldman and Elliott Slotnick, "Clinton's First Term Judiciary: Many Bridges to Cross," *Judicature* 80 (May-June 1997); Sheldon Goldman, *Picking Federal Court Judges: Lower Court Selection from Roosevelt Through Reagan* (New Haven: Yale University Press, 1997).

[7] See Elliott Slotnick, "Federal Judicial Recruitment and Selection Research: A Review Essay," *Judicature* 71 (April-May 1988): 317–324 on Reagan and Carter.

[8] See Goldman, *Picking Federal Court Judges.*

[9] Slotnick, "Federal Judicial Recruitment and Selection Research," 317.

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## *Lower Federal Court Nominees and Institutional Change*

Traditionally, selection and, to an extent, confirmation of lower court judges were subject to bargaining between the attorney general's office and individual senators of the president's party. Central to this political process has been the norm of senatorial courtesy allowing the senator of the same party as the president from the state where the vacancy occurs to veto or blue slip a nominee if found objectionable for any reason. Other senators under this norm would use the advice of the home-state senator as a voting cue on a nomination. Because of this norm, presidents commonly turned to a home-state senator for advice in selecting a candidate for the lower bench.[10]

The primary mechanics of judicial selection are similar for both district and circuit court vacancies. However, a substantive difference exists. Since circuit court nominations involve several states, senatorial courtesy has less of an effect as a veto power.[11] The same consultative process exists, but the views of more than one senator must be taken into account. In 70 percent of circuit court nominations, a nominee is selected from the same state as that of the departing jurist.[12] However, apart from this norm, the president has more procedural power because of the lack of control of a single senator in the process. Therefore, presidents have always enjoyed more control over the selection of nominees to courts of appeals positions than to positions on the district courts, although traditional norms and procedures give members of the Senate some power in the selection of judges to all levels of the lower judiciary.

Many of these important appointment norms and procedures began to change during the Carter administration, however. President Jimmy Carter initiated a number of significant reforms aimed at lessening the control of individual senators over the vetting and selection of nominees and instead placed more power and control within his administration. Upon becoming President, Carter hoped to remove the vestiges of patronage from the appointment process and select judges based on merit. To do this, his administration would have to take more control over the selection of nominees from individual senators. One of the most important reforms aimed at reserving more power over the screening and selection of circuit court nominations within the administration was the establishment of the United States Circuit Judge Nominating Commission. This commission was entrusted with the responsibility of seeking out and screening qualified nominees to the courts of appeals, especially well qualified women and minorities, and furthered his goal of increasing diversity on the federal judi-

[10] Goldman, *Picking Federal Court Judges*; Chase, *Federal Judges.*

[11] See discussion in Harry P. Stumpf, *American Judicial Politics* (San Diego: Harcourt Brace Jovanovich, 1998), 191–194.

[12] Sheldon Goldman, "Characteristics of Eisenhower and Kennedy Appointees to the Lower Federal Courts," *Western Political Quarterly* 18 (December 1965): 755–762.

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ciary. Carter also issued an executive order in 1978 encouraging individual senators to create their own nominating panels for district court positions.[13]

The importance of the institutional changes aimed at furthering merit selection and affirmative action criteria in the selection process was magnified greatly with the passage of the Omnibus Judgeship Act of 1978. It provided Carter with the opportunity to appoint 152 persons to new positions on the federal bench (35 appellate court positions and 117 district court positions)—the largest single increase in the number of positions on the federal bench in American history.[14] Carter was thus able to utilize the new positions in an effort to implement his appointment strategy, successfully appointing more nontraditional candidates to the federal bench than any previous president and placing more of the control over the screening and selection of nominees within his administration.[15]

The institutional changes made during the Carter administration in conjunction with the passage of the Omnibus Judgeship Act of 1978 allowed Carter to have an important and long-lasting impact on the selection process. Upon his inauguration in 1981, President Ronald Reagan was committed to reversing the "liberal, activist" trend on the federal judiciary furthered in large part by Carter's numerous appointments to the lower judiciary.[16] Reagan further altered the selection process by centralizing judicial selection within the White House even more to afford his administration more control over nominations in order to facilitate the appointment of conservative, restraintist judges. Reagan achieved this with the establishment of the Office of Legal Policy within the Department of Justice.[17] Reagan also requested that individual Republican senators submit as many as three to five names to the administration for each district court vacancy, further pulling control away from individual senators.[18] President George Bush furthered Reagan's goal of appointing mostly conservatives to the bench, and he continued the trend of centralizing the selection process within the presidency.[19]

### *Institutional Changes in the Senate*

The important changes in the selection process initiated during the Carter and Reagan years did not go unnoticed in the Senate, where many important insti-

[13] See Sheldon Goldman, *Picking Lower Federal Court Judges.* See also Sheldon Goldman, "Federal Judicial Recruitment" in John B. Gates and Charles A. Johnson, eds., *The American Courts: A Critical Assessment* (Washington, DC: Congressional Quarterly Press, 1991); also Larry C. Berkson and Susan B. Carbon, *The United States Circuit Judge Nominating Committee: Its Members, Procedures, and Candidates* (Chicago: American Judicature Society, 1980).

[14] Goldman, *Picking Lower Federal Court Judges.*

[15] Ibid.

[16] Sheldon Goldman, "Reagan's Judicial Legacy: Completing the Puzzle and Summing up," *Judicature* 72 (April-May 1989): 318; Slotnick, "Federal Judicial Recruitment and Selection Research."

[17] See chapter on Reagan in Goldman, *Picking Lower Federal Court Judges.*

[18] Ibid., 288–289.

[19] Ibid., esp. chap. on Bush nominations.

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tutional changes occurred during the Carter and Reagan administrations as well. When Senator Ted Kennedy (D-MA) became chair of the Judiciary Committee in 1979, the committee initiated reforms that increased the number of people and the length of time involved in the screening of nominees. At this time, for example, the committee began opening up confirmation hearings for the involvement of outside groups interested in the appointment process and required nominees to complete questionnaires that for the most part became part of the public record. Furthermore, Senator Kennedy had the committee establish its own staff for investigation to allow an assessment of a nominee's background independent of the administration.[20]

The independent scrutiny of nominees by the Senate Judiciary Committee's own staff continued into the Reagan years, when Republican Senator Strom Thurmond (R-SC) assumed leadership of the committee. The committee's insistence on maintaining an independence from the Reagan administration only intensified in the last two years of Reagan's presidency, when Senator Joseph Biden (D-DE) was named chair of the committee after the Democrats regained control of the Senate after the midterm elections of 1986. In 1987, for example, Biden created a special task force headed by Senator Patrick Leahy (D-VT) with its own staff to screen nominations and identify any problematic nominees to the lower courts.[21]

Senatorial reaction to presidential interest in lower court nominations appears to have come to a head during the Clinton administration, particularly after the Republican revolution of 1994, when Republicans once again gained control of the Judiciary Committee and Orrin Hatch assumed the committee's chairmanship. Although Clinton did not actively attempt to fill judicial vacancies with ideologues and did not vastly alter the screening and selection process upon taking office, delay and gridlock reached what has been termed a "crisis level" as documented at length in the media.[22] This controversy has led the Law and Courts Section of the American Political Science Association to make a public statement urging both the Senate and the president to cooperate in filling vacancies on the court.[23]

### *The Current Controversy in Recent Historical Perspective*

The attention placed on the crisis in lower court appointments by the media and academic scholars is a recent occurrence. The situation, however, has not

[20] Ibid., 263.

[21] Herman Schwartz, *Packing the Courts: The Conservative Campaign to Rewrite the Constitution* (New York: Charles Scribner's Sons, 1988).

[22] See Goldman and Slotnick, "Picking Judges Under Fire"; S. Labaton, "President's Judicial Appointments: Diverse, But Well in the Mainstream," *New York Times*, 17 October 1994.

[23] Joel B. Grossman, "Letter to President Bill Clinton and Senator Orrin Hatch from the Chairman of the Law and Courts Section of the American Political Science Association," *Law and Courts Newsletter* 8 (Winter 1997/1998): 19.

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arisen from nowhere. Rather, the institutional changes initiated within both the Senate and the presidential administration during the Carter years launched what has become the gridlock in the appointment process. Presidential reform measures were aimed at seizing more control of the selection process at the expense of important home-state senators and Judiciary Committee members. Committee reforms were aimed at more closely and independently scrutinizing the nominees to the lower judiciary referred by the president. These various reforms have had the effect of making the appointment process more contentious and time consuming due to the number of people involved in the screening of nominees and the heightened level of scrutiny placed on nominees. Although the crisis between the Clinton administration and the Judiciary Committee chaired by Senator Hatch is arguably unprecedented, it had its roots in the late 1970s and had been building for over twenty years.

With this in mind, our analysis focuses on the effects of the institutional changes in the nomination and confirmation process. The changes initiated during the Carter administration have caused each branch involved in the appointment process to establish and maintain more independent and careful mechanisms through which to evaluate judicial nominees. For this study, we focus on the impact of changes in the appointment process on the scrutiny of judicial nominees by the Senate, focusing specifically on delay in senatorial confirmation of nominees to the lower judiciary.

## *Senate Scrutiny of Nominations*

The duration of executive nominations has been viewed as a measure of scrutiny in lower-level confirmations. Nolan McCarty and Rose Razaghian studied executive branch nominations from 1885–1996 and argued that while some nominations are confirmed at high rates, there is great variance in the length of time that confirmation requires.[24] Interestingly, they found that Senate procedures make long delays possible by partisan and ideological proponents. Although McCarty and Razaghian did not specifically address judicial nominations, their work is quite relevant to assess the scrutiny of lower federal court nominations.[25] With political changes in procedures for selecting nominees, we expect to see increased delay in lower federal court confirmations.

There is mixed evidence of scrutiny in the process of lower court confirmations.[26] Research on confirmation delay by Garland Allison found that confir-

[24] Nolan McCarty and Rose Razaghian, "Advice and Consent: Senate Responses to Executive Branch Nominations 1885–1996," *American Journal of Political Science* 43 (October 1999): 1122–1143.

[25] Ibid.

[26] See Garland W. Allison, "Delay in the Senate Confirmation of Federal Judicial Nominees," *Judicature* 80 (July-August 1996): 8–15; Garland W. Allison, "By and With the Advice and Consent of the Senate: An Analysis of Delay in the Senate Confirmation Process for Federal Judicial Nominees" (unpublished manuscript on file with the authors, 1995); Roy B. Flemming, Michael MacLeod, and Jeffrey Talbert, "Witness at the Confirmations? The Appearance of Organized Interests at Senate Hearings on Federal Judicial Appointments, 1945–1992," *Political Research Quarterly* 51 (September 1998).

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mation rates decrease and delay increases late in a president's term.[27] In addition, there is an increase in confirmation delay for appellate court judges compared to district court judges because of the circuit court's heightened importance in policy making.[28] Finally, scrutiny should be more prominent in times of divided government but may exist regardless of partisanship due to institutional rivalry. In a related study, Allison found that divided government is not a statistically significant factor in predicting delay.[29] However, when examined alone, divided government was an important determinant of confirmation rate and speed.[30]

A more recent article analyzed participation of interest group witnesses at lower court confirmation hearings.[31] In this analysis, the authors found that there had been an aggregate increase in interest group witnesses in Senate hearings, but that this increase can be attributed to a relatively small number of controversial appointments. This work suggests that scrutiny (as measured by witness attendance) has not increased for the bulk of nominees to the federal bench. However, another recent study has found that interest group participation in confirmation hearings actually decreased in the years following the failed nomination of Robert Bork to the Supreme Court in 1987.[32]

These works provide a starting point for discussing conflict in the process of lower court nominations. Allison's work, however, began with the Carter administration.[33] In order to assess whether scrutiny of lower court nominees has increased since the Carter years it is necessary to compare judicial selection processes in recent years with those of past administrations. The work of Roy Flemming and colleagues and Lauren Cohen on witness participation is also limited for our purposes.[34] While witness participation by interest groups is a signal for increased conflict in confirmations, the lack of witnesses does not necessarily mean that nominations are routinely processed. Finally, based on previous research by McCarty and Razaghian[35] and the work by Sheldon Goldman[36] and Allison[37] on judicial nominations, conflict in the confirmation process should be most evident in attempts by the Senate to delay nominations or defeat them.

[27] Allison, "Delay in the Senate Confirmation of Federal Judicial Nominees," 8.

[28] Ibid., 8.

[29] Allison, "By and with the Advice and Consent of the Senate," 11.

[30] Ibid., 11.

[31] Flemming, MacLeod, and Talbert, "Witness at the Confirmations?"

[32] Lauren M. Cohen, "Missing in Action: Interest Groups and Federal Judicial Appointments," *Judicature* 82 (November-December 1998): 119–123.

[33] See Allison, "Delay in the Senate Confirmation of Federal Judicial Nominees."

[34] Flemming, MacLeod, and Talbert, "Witness at the Confirmations?"; and Cohen, "Missing in Action."

[35] McCarty and Razaghian, "Advice and Consent."

[36] Goldman, "Federal Judicial Recruitment."

[37] Allison, "Delay in the Confirmation of Federal Judicial Nominees."

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Recent work by Hartley and Holmes built upon these analyses of confirmation rates and delay by assessing the scrutiny of nominations before and after the Carter administration (1969–1994). Additionally, they improved Allison's key measure of scrutiny (days from nomination referral to the Senate to confirmation) by subtracting days the Senate was in recess. They confirmed Allison's findings in the post-Carter years. For example, delay in general increased prior to presidential elections and for circuit court nominees. However, their descriptive analysis over earlier periods found extremely high confirmation rates and speedy confirmations in the Nixon and Ford years for both district and circuit court nominees.

This analysis, however, did not adequately assess the controversy over the delay of Clinton's nominations beginning in the 104th Congress. Additionally, their work did not adequately explain the nature of the increased scrutiny that they found. For example, on the recent nomination controversy, Hartley and Holmes found that delay in the early Clinton years (1993 and 1994) was not greater than the amount of delay afforded Bush's nominations by Biden's Senate Judiciary Committee. However, Goldman posits that delay has increased dramatically after the Judiciary Chairmanship shifted to Hatch in 1994—years not included in the Hartley and Holmes study.[38]

The above works suggest that members of the Senate, particularly the Judiciary Committee, have subjected nominees to increased scrutiny in response to presidential efforts aimed at selecting ideologically compatible judges and seizing more control over the screening and selection process. These works, however, are limited in theoretical justification or explanation as to why delay has increased. Only Goldman and Slotnick[39] and Hartley and Holmes attempt to link delay to the controversy over President Clinton's nominations. Their work, however, places only limited attention to delay in this period.

This article analyzes confirmation delay of lower federal judicial nominations. Based on previous literature, what can we make of delay in the process of judicial nominations? What does past delay say about the controversy over Clinton's nominations? Finally, what can we expect in the future?

## Methodology

### *Theoretical Propositions*

This study focuses on two related propositions. First, judicial nominations might follow a similar pattern as McCarty and Razaghian suggest.[40] Since the politics of judicial selection has been viewed as publicly routine until recently, one might see high confirmation rates. However, beneath the surface, delay

[38] Goldman and Slotnick, "Picking Judges Under Fire."

[39] Ibid.

[40] McCarty and Razaghian, "Advice and Consent."

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could be used by political opponents as dilatory tactics.[41] Given the changes in the institutions governing presidential judicial nominations, we expect increases in Senate scrutiny or delay. Since presidents often campaign on reshaping the ideological makeup of the federal judiciary, the process is more public and salient. Changes in screening and selection mechanisms (that is, nominating commissions) may have led to decreased power of senatorial courtesy. Increased emphasis on affirmative action for the bench (appointment of minorities and women) may have also increased public awareness of judicial nominations.

Second, politically salient events may lead the Senate to change its confirmation priorities. Divided government, the relationship between the Judiciary Committee chair and the president, and political scandals such as the failed nomination of Robert Bork to the Supreme Court may have led to increased scrutiny of lower federal nominees' ideologies.

## *Data*

Determining whether the confirmation process has become more contentious over time requires developing a specific measure of scrutiny. Many alternative measurements were considered for this analysis; however we make use of confirmation rate and confirmation time. Two possibilities proved to be limited and/or extremely difficult to obtain. Determining the percentage of nominees confirmed over time is useful but limited because most nominations are confirmed. An analysis of votes by committee or the full Senate is difficult, because votes are largely routine and unrecorded. Specifically, this analysis examines the percentage of nominees confirmed and time in days from referral to committee to confirmation for nominations made from 1969–1998.

Data on percentage of nominees confirmed were constructed from the Legislative and Executive Calendars of the Senate Judiciary Committee. Nominations were considered failed if anything happened to the nominee but confirmation. Confirmation time was obtained from the Legislative and Executive Calendars for the Senate Judiciary Committee and were corrected for recesses by subtracting all major recess dates. Recess days do not include regular weekend breaks.

Conclusions are drawn from comparisons using time series in Figures 1 and 2. Additionally, in Tables 1 through 4, the average confirmation success and speed is provided over time before and after the Carter administration and before and after the 1994 Republican revolution in Congress. Finally, we assess some possible causes for these changes in confirmation speed. (See Table 5.)

[41] Ibid.

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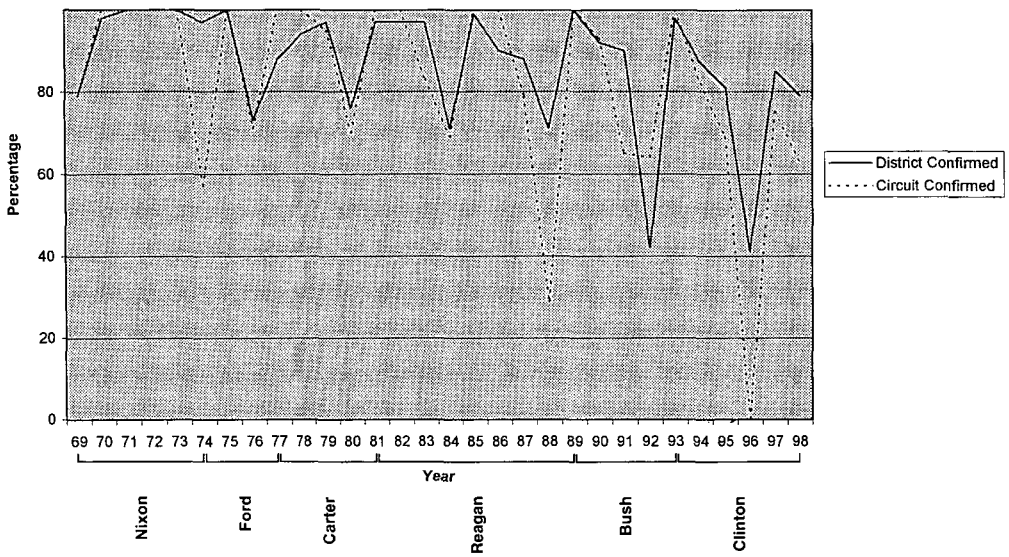
FIGURE 1
*Percentage of District and Circuit Court Nominees Confirmed*




## RESULTS

### *Confirmation Rates over Time*

For the most part, confirmation rates do not indicate dramatic instances of senatorial scrutiny. For district court nominees, the percentages confirmed have been quite high until the 1990s—rarely below 70 percent. However, in the Clinton years of divided government, district court confirmations decreased. (See Figure 1 and Table 1.) Analysis of this trend, however, requires closer inspection. Overall, for district court nominations, the confirmation rate has decreased slowly over time through administrations, and periodic drops during presidential election years are evident. Confirmation rates of district court nominees were extremely high during the Nixon years, but began to decrease slowly thereafter. They dropped after Watergate during the Ford administration, rose steadily during the Carter years and much of the Reagan years, and began a general decline in the late Reagan years, Bush years, and under Clinton. (See Figure 1 and Table 1.)

A look at the differences between confirmations of district and circuit court judges yields further evidence to support these conclusions. (See Figure 1 and Table 1.) Allison's study found that in the overall period of 1977 to 1994, circuit court judges were generally confirmed at a lower rate than district court nominees.[42] By examining Figure 1 and Table 1 from 1977 to 1998, we find similar results. In 1974, circuit court nominees were confirmed at a lower rate than dis-

[42] Allison, "Delay in the Senate Confirmation of Federal Judicial Nominees," 10.

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TABLE 1

*Percentage of District and Circuit Court Judges Confirmed*[1]

| *President* | *Congress/Year* | *%District Confirmed* | *(n)* | *% Circuit Confirmed* | *(n)* |
|---|---|---|---|---|---|
| Nixon | 91st (Total) | 93 | (75) | 86 | (22) |
| | *1969* | *79* | *(19)* | *79* | *(14)* |
| | *1970* | *98* | *(56)* | *100* | *(8)* |
| | 92nd (Total) | 100 | (80) | 100 | (18) |
| | *1971* | *100* | *(56)* | *100* | *(14)* |
| | *1972* | *100* | *(24)* | *100* | *(4)* |
| | 93rd (Total) | 98 | (47) | 77 | (13) |
| | *1973* | *100* | *(16)* | *100* | *(6)* |
| | *1974* | *97* | *(31)* | *57* | *(7)* |
| Ford | 94th (Total) | 81 | (47) | 82 | (11) |
| | *1975* | *100* | *(14)* | *100* | *(4)* |
| | *1976* | *73* | *(33)* | *71* | *(7)* |
| Carter | 95th (Total) | 91 | (57) | 100 | (12) |
| | *1977* | *88* | *(24)* | *100* | *(10)* |
| | *1978* | *94* | *(33)* | *100* | *(2)* |
| | 96th (Total) | 91 | (169) | 90 | (49) |
| | *1979* | *97* | *(119)* | *95* | *(39)* |
| | *1980* | *76* | *(50)* | *70* | *(10)* |
| Reagan | 97th (Total) | 97 | (71) | 100 | (19) |
| | *1981* | *97* | *(36)* | *100* | *(9)* |
| | *1982* | *97* | *(35)* | *100* | *(10)* |
| | 98th (Total) | 81 | (75) | 74 | (19) |
| | *1983* | *97* | *(30)* | *83* | *(6)* |
| | *1984* | *71* | *(45)* | *69* | *(13)* |
| | 99th (Total) | 96 | (99) | 100 | (33) |
| | *1985* | *99* | *(69)* | *100* | *(23)* |
| | *1986* | *90* | *(30)* | *100* | *(10)* |
| | 100th (Total) | 83 | (80) | 65 | (26) |
| | *1987* | *88* | *(52)* | *79* | *(19)* |
| | *1988* | *71* | *(28)* | *29* | *(7)* |
| Bush | 101st (Total) | 94 | (51) | 96 | (23) |
| | *1989* | *100* | *(15)* | *100* | *(8)* |
| | *1990* | *92* | *(36)* | *93* | *(15)* |
| | 102nd (Total) | 70 | (146) | 65 | (31) |
| | *1991* | *90* | *(86)* | *65* | *(17)* |
| | *1992* | *42* | *(60)* | *64* | *(14)* |
| Clinton | 103rd (Total) | 91 | (119) | 86 | (22) |
| | *1993* | *98* | *(42)* | *100* | *(5)* |
| | *1994* | *87* | *(77)* | *82* | *(17)* |
| | 104th (Total) | 73 | (85) | 55 | (20) |
| | *1995* | *81* | *(68)* | *69* | *(16)* |
| | *1996* | *41* | *(17)* | *0* | *(4)* |
| | 105th (Total) | 82 | (97) | 71 | (28) |
| | *1997* | *85* | *(59)* | *75* | *(20)* |
| | *1998* | *79* | *(38)* | *63* | *(8)* |
| Totals | | 89 | (1298) | 83 | (346) |

[1] Note that the data above represent all district court and circuit court confirmations including lifetime, term appointments, and specialized appeals courts like the Federal Circuit.

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trict court nominees. However, in the Nixon, early Carter, and early Reagan years we find a different pattern, where circuit court nominees were confirmed at similar or even higher rates than district court nominees. The higher confirmation rates in the Carter and early Reagan years may be attributed to periods of unified government.

The general trend for all judges indicates that nominations fail more often during presidential election years beginning in 1976 and that nomination rates are typically quite high the year after the election (above 90 percent). Interestingly, this pattern continues throughout the time period studied, with confirmation rates consistently dropping during election years and rebounding during the honeymoon period after the election. However, the election year effect appears to have become more pronounced in recent years, with confirmation rates dropping to their lowest levels of any time in our study in recent election years. District court confirmation rates fell to under 50 percent in 1992 and 1996, and circuit court confirmation rates fell to even lower depths in 1988 (29 percent) and 1996, when none of Clinton's nominations to the circuit courts were confirmed.

These findings confirm results by Allison that suggest that conflict is greatest in election years because the opposition party in the Senate may act to suppress the confirmation process in anticipation of a new president.[43] The extremely high confirmation rates in the year after the election also support Allison's suggestion that higher rates occur during the president's honeymoon period. However, by extending Allison's analysis back to 1969, we find that during the election year of 1972, conflict did not occur (100 percent of Nixon's lower court judicial nominees were confirmed). This extremely high rate of confirmation success may indicate that nominations were more routinely processed before Carter, even during the politically dangerous presidential election years.

In sum, confirmation rates are quite high in the period of this study and on the surface may not seem to indicate any hugely significant increase in senatorial scrutiny. However, from the trend, confirmation rates have decreased over time when compared to the period preceding Carter's administration (1969–1976). The fact that confirmation rates were extremely high in earlier years (the Nixon and Ford administrations) could suggest that the process was not as contentious during the Nixon years and that scrutiny of judges has increased since the reforms initiated during the Carter administration. This is particularly interesting in that the Nixon years were a time of divided government and of intense political scandal. Either lower court judges were not considered as important policy actors or the Senate did not find Nixon's nominees to be objectionable.

### *Delay in the Process*

Figure 2 shows that the confirmation time in days for both district and circuit court nominees has increased dramatically over time. The largest increases be-

[43] Ibid., 10–11.

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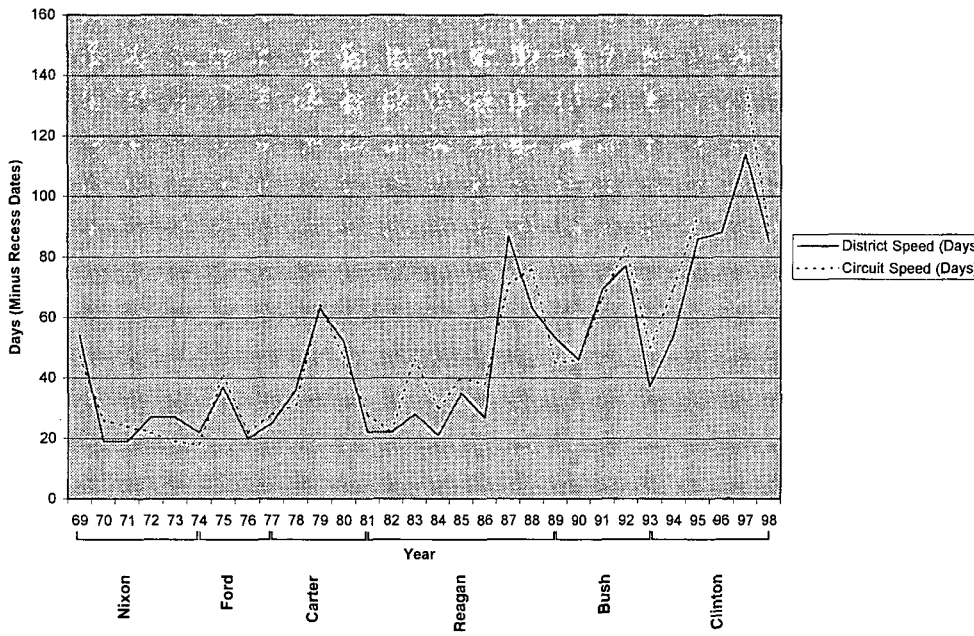
FIGURE 2
*Average Confirmation Speed for District and Circuit Court Nominees*




gan in the Carter years, the late Reagan years, and the Clinton divided government years.

In Figure 2 and Table 2 we can see that for district court nominees, confirmations were speedy in the Nixon and Ford years (averaging no more than twenty-seven days per Congress). Confirmation time, however, shot up in the late Carter years (averaging up to sixty days during the 96th Congress). In the early Reagan years, confirmation time dipped slightly into the twenty to thirty day range, but then the trend began a significant climb in 1987. In the Bush and Clinton years, district court nominations were delayed from a low of 37 days in 1993 (the year after a presidential election during a period of unified government) to a high of 110 days in 1997 (also the year after a presidential election, but during a period of divided government). Beginning in the 104th Congress (after the Republican revolution in Congress), district court judges were delayed at unprecedented levels, with average delay approaching and nearly surpassing 100 days.

When examining the differences between district and circuit court confirmation speed, Allison argued that more time is spent on circuit court nominations than on district court nominations.[44] Our measure (corrected for recesses) found somewhat different results. Overall, when corrected for normal Senate recesses, there is not much difference in confirmation time for many of the ear-

[44] Allison, "Delay in the Senate Confirmation of Federal Judicial Nominees," 10-11.

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TABLE 2

*Average Confirmation Speed for District and Circuit Court Judges*[1]

| *President* | *Congress/Year* | *Confirm. Speed District (n)* | | *Confirm. Speed Circuit (n)* | |
|---|---|---|---|---|---|
| Nixon | 91st (Total) | 27 Days (70) | | 38 Days (19) | |
| | *1969* | *54 Days* | *(15)* | *47 Days* | *(11)* |
| | *1970* | *19 Days* | *(55)* | *26 Days* | *(8)* |
| | 92nd (Total) | 21 Days (80) | | 24 Days (17) | |
| | *1971* | *19 Days* | *(56)* | *24 Days* | *(14)* |
| | *1972* | *27 Days* | *(24)* | *22 Days* | *(4)* |
| | 93rd (Total) | 23 Days (46) | | 18 Days (10) | |
| | *1973* | *27 Days* | *(16)* | *19 Days* | *(6)* |
| | *1974* | *22 Days* | *(30)* | *18 Days* | *(4)* |
| Ford | 94th (Total) | 26 Days (38) | | 30 Days (9) | |
| | *1975* | *37 Days* | *(14)* | *41 Days* | *(4)* |
| | *1976* | *20 Days* | *(24)* | *22 Days* | *(5)* |
| Carter | 95th (Total) | 31 Days (52) | | 28 Days (12) | |
| | *1977* | *25 Days* | *(21)* | *28 Days* | *(10)* |
| | *1978* | *35 Days* | *(31)* | *31 Days* | *(2)* |
| | 96th (Total) | 60 Days (154) | | 61 Days (44) | |
| | *1979* | *63 Days* | *(116)* | *64 Days* | *(37)* |
| | *1980* | *52 Days* | *(38)* | *47 Days* | *(7)* |
| Reagan | 97th (Total) | 22 Days (69) | | 25 Days (19) | |
| | *1981* | *23 Days* | *(35)* | *28 Days* | *(9)* |
| | *1982* | *22 Days* | *(34)* | *22 Days* | *(10)* |
| | 98th (Total) | 24 Days (61) | | 36 Days (14) | |
| | *1983* | *28 Days* | *(29)* | *46 Days* | *(5)* |
| | *1984* | *21 Days* | *(32)* | *30 Days* | *(9)* |
| | 99th (Total) | 33 Days (95) | | 39 Days (33) | |
| | *1985* | *35 Days* | *(68)* | *40 Days* | *(23)* |
| | *1986* | *27 Days* | *(27)* | *38 Days* | *(10)* |
| | 100th (Total) | 79 Days (66) | | 72 Days (17) | |
| | *1987* | *87 Days* | *(46)* | *71 Days* | *(15)* |
| | *1988* | *60 Days* | *(20)* | *76 Days* | *(2)* |
| Bush | 101st (Total) | 48 Days (48) | | 46 Days (22) | |
| | *1989* | *53 Days* | *(15)* | *45 Days* | *(8)* |
| | *1990* | *46 Days* | *(33)* | *46 Days* | *(14)* |
| | 102nd (Total) | 71 Days (102) | | 74 Days (20) | |
| | *1991* | *69 Days* | *(77)* | *66 Days* | *(11)* |
| | *1992* | *77 Days* | *(25)* | *83 Days* | *(9)* |
| Clinton | 103rd (Total) | 47 Days (108) | | 65 Days (19) | |
| | *1993* | *37 Days* | *(41)* | *50 Days* | *(5)* |
| | *1994* | *54 Days* | *(67)* | *70 Days* | *(14)* |
| | 104th (Total) | 87 Days (62) | | 94 Days (11) | |
| | *1995* | *86 Days* | *(55)* | *94 Days* | *(11)* |
| | *1996* | *88 Days* | *(7)* | — | *(0)* |
| | 105th (Total) | 99 Days (80) | | 124 Days (20) | |
| | *1997* | *110 Days* | *(50)* | *136 Days* | *(15)* |
| | *1998* | *83 Days* | *(30)* | *88 Days* | *(5)* |
| Totals | | 49 Days | (1131) | 53 Days | (287) |

[1] Note that the figures above include all district and circuit court nominations that were confirmed including lifetime, term appointments, and special circuit courts like the Federal Circuit.

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lier eras in our study (Figure 2 and Table 2). Rather, circuit court confirmations do not exhibit a consistent increased-amount of delay over district court confirmations until the Clinton administration, after the 102nd Congress.

Also of interest is that judicial nominees since the Carter administration have been subject to different levels of scrutiny associated with the presidential election cycle. In general, delay seems to be most associated with election years, or at least during Congresses incorporating a presidential election year. Beginning with the 96th Congress, during the last two years of the Carter administration, confirmation delay is always greater in the last two years of the presidential term than during the first two years. What occurs consistently since the Carter administration is heightened delay in the period leading up to a presidential election, followed by a decrease in delay during the presidential honeymoon period in the congressional session after the election, followed again by another increase in delay as the next presidential election approaches. However, this trend does not exist in the years prior to the Carter administration, where electoral politics appeared to have little impact on confirmation speed. It is also important to note that the post-Carter trend breaks down in the last years of our study, where confirmation delay increases in the 104th Congress as the presidential election of 1996 approaches but increases even further during the honeymoon period of the 105th Congress. Rather than see the expected decrease in confirmation delay subsequent to an election, Clinton's nominees during the 105th Congress experienced the longest delays of any period in our study.

The trend of confirmation time indicates that increased delay is a more recent phenomenon when compared with the Nixon and Ford years. More recently, as Goldman and Slotnick suggest, delay has become unprecedented for both district and circuit court nominations.[45] The early Clinton years experienced speedier confirmations than during the Bush years. However, when we examine the Clinton nominees after the 1994 Republican takeover of Congress (the first years of the Hatch chairmanship), we find increased delay of nominations. Delay under Hatch is unprecedented. While delay of Reagan and Bush nominees under Biden was notably higher than in the Nixon/Ford years, delay was higher still from 1995 to 1998. Furthermore, increased scrutiny placed on nominations made to the circuit courts compared to those for district court positions became manifest during the Clinton administration, and the 105th Congress provided the first post-Carter years where confirmation speed does not rebound in the honeymoon period after a presidential election.

In sum, these data lend support to the hypothesis that the Carter years brought about a change in the scrutiny of lower court nominees. Institutional changes in the process of judicial selection initiated during the Carter years have made judicial appointments less routine, more contentious, and more time-consuming. With decreases in the deference paid to home-state senators

[45] Goldman and Slotnick, "Picking Judges Under Fire."

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TABLE 3

*Percentage Confirmed and Confirmation Time Pre- and Post-Carter*

| Time Period | District Confirmation Rate | Circuit Confirmation Rate | District Confirmation Speed | Circuit Confirmation Speed |
|---|---|---|---|---|
| Pre-Carter | 94 | 87 | 24 days | 29 days |
| Post-Carter | 86 | 82 | 56 days | 60 days |

through the norm of senatorial courtesy and increased control over screening and selection within the presidential administration, members of the Senate have taken their advice and consent roles more seriously and have therefore subjected nominees to an increasing level of scrutiny.

Apart from the importance of institutional changes in the selection and confirmation process, the data also indicate that political factors appear to influence confirmation rates and delay measures as well. The existence of divided government has the general effect of both lowering confirmation rates and increasing delay to confirmation for all lower court positions. However, the existence of divided government does not appear to automatically usher in periods of dramatically increased delay, nor does the existence of unified government automatically provide a president with speedy confirmations in the Senate. For example, delay increased during the last two years of the Carter administration, a period of unified government. Furthermore, delay, while still high compared to the pre-Carter years, decreased slightly during the Bush administration. It appears that divided government by itself has only a limited effect on confirmation rate or speed. With respect to confirmation politics, party control over the full Senate may not be an ideal concept. Divided government, although important, does not account completely for the amount of delay in senatorial confirmation rates. What, then, would account for some of the variation seen here?

The answer appears to be that the effects of divided versus unified government are compounded by the impact of who chairs the Judiciary Committee. (See Table 5.) Recent work has found that a measure of voting support by the

TABLE 4

*Percentage Confirmed and Confirmation Time Pre- and Post-Hatch*

| Time Period | District Confirmation Rate | Circuit Confirmation Rate | District Confirmation Speed | Circuit Confirmation Speed |
|---|---|---|---|---|
| Pre-Hatch | 89 | 86 | 43 days | 46 days |
| Post-Hatch | 78 | 65 | 94 days | 114 days |

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TABLE 5

*Divided Government and Confirmation of All Lower Court Nominees*

| *Presidential Administration* | *Government* (Unified/Divided)* | *Percent Confirmed* | *Average Days from Referral to Confirmation* |
|---|---|---|---|
| Nixon | Divided | 95.3 | 24.5 |
| Ford | Divided | 81.0 | 26.7 |
| Carter | Unified | 91.3 | 53.1 |
| Reagan (81-86) | Unified | 92.1 | 28.8 |
| Reagan (87-88) | Divided | 78.3 | 77.3 |
| Bush | Divided | 76.5 | 62.4 |
| Clinton (93-94) | Unified | 90.1 | 50.0 |
| Clinton (95-98) | Divided | 75.2 | 97.3 |

* Note: Government was considered as unified or divided depending on whether the president and the Senate were of the same party or not.

Senate Judiciary chair with the president was a significant predictor of delay.[46] In other words, if the chairman of the Senate Judiciary Committee votes consistently against the president in key votes, there is more contention in the confirmation process. Upon closer examination of Judiciary chairs, we find richer explanations than with divided government alone. For instance, under Nixon in a period of divided government, the Judiciary Chairman James Eastland was a Southern Democrat from Mississippi who voted often with Nixon on key agenda items. They had similar ideologies, but were from different parties. In 1979, however, delay increased from the levels during the first two years of the Carter administration, although government remained unified under Democratic control during this period. The increased delay coincided with Senator Ted Kennedy's chairing of the Judiciary Committee. Kennedy's impact on confirmation delay is likely attributed to two factors: the institutional reforms he enacted to provide the committee with an independent investigatory arm to screen nominees, and Kennedy's own presidential election bid against Carter in 1980.

Delay decreased dramatically in 1981 after Senator Strom Thurmond assumed chairmanship of the committee. President Reagan enjoyed the most consistently low delay measures of the post-Carter years when Thurmond chaired the Committee. Here, the benefits of unified government were compounded by a Judiciary Committee chair who agreed with Reagan's approach to judicial selection and who did not appear to utilize confirmation delay as a strategy.

In 1987 and 1995, however, delay increased substantially when divided government was ushered in along with the new committee chairmanships of Senators Biden and Hatch, respectively. Biden had established some of his own im-

[46] Lisa M. Holmes and Roger E. Hartley, "Conflict in the Confirmation of Lower Federal Court Judges" (paper presented at the 1996 Southern Political Science Association Meetings, Atlanta, Georgia).

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portant institutional changes upon assuming the chairmanship and had low presidential support scores during the administrations of both Reagan and Bush, likely adding to the increased delay caused by the newly-divided government. Finally, the criticisms of Hatch's leadership of the Judiciary Committee appear to be evident in that delay increased to its highest levels of any time in this study. Hatch's presidential support scores of key presidential policies were quite low (26 percent in 1995, and only a high of 63 percent in 1997). He was also openly critical of the Clinton administration's judicial selection strategy. The crisis in confirmation delay, therefore, reached a critical stage during the Clinton administration, where the effects of divided government and a Judiciary Committee chair utilizing delay as a strategy against the president brought confirmation times to their highest levels ever, or at least since 1969.

## Conclusion

Delay in judicial confirmations by the Senate reached unprecedented levels during the 105th Congress.[47] Looking at confirmation trends over time, however, allows us to reach a number of conclusions regarding this current crisis in a more historical context.

First, although confirmation delay has reached unprecedented levels, it is part of a trend of increasing delay that began with the Carter administration. Increased focus on the lower judiciary coupled with institutional reforms within both presidential administrations and the Senate have increased the level of scrutiny placed on judicial nominees, leading to decreased confirmation rates and increased delay in senatorial confirmation. During the Nixon and Ford years, confirmation delay was generally lower, even with the existence of divided government and the Watergate scandal. Judicial selection, therefore, did appear to be more routine prior to the changes ushered in during the Carter years.

Second, although confirmation rates have dropped since the Carter administration, the majority of nominees continue to be confirmed by the full Senate. Increased scrutiny, however, has manifest itself in increased delay to confirmation. Time to confirmation has increased quite dramatically in the last twenty years, although at a rate that is not consistent.[48]

[47] Although not included in our analysis, confirmation gridlock appears to have continued during the 106th Congress. Sheldon Goldman, Elliot Slotnick, Gerard Gryski, and Gary Zuk explain that while confirmation delay lessened somewhat during the last two years of the Clinton administration, barely 60 percent of nominees in the 106th Congress were ultimately confirmed. See "Clinton's Judges: Summing Up the Legacy," *Judicature* 84 (March-April 2001): 228–254.

[48] In their article, "To Advise and Consent: The Senate and Lower Federal Court Nominations, 1977–1998," *The Journal of Politics* 64 (May 2002): 337–361, Wendy L. Martinek, Mark Kemper, and Steven R. Van Winkle also find a pattern where large increases in confirmation delay correspond with the 96th Congress (during Ted Kennedy's brief tenure as committee chair during the Carter administration), the 100th Congress (when Biden chaired the committee during the last two years of the Reagan administration), and after the Republican Revolution of 1994 ushered in Hatch's tenure as Judiciary Committee chair.

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This inconsistency can be accounted for because of the importance of two factors: the existence of divided government and, possibly more importantly, the chairmanship of the Judiciary Committee. Periods of divided government tend to coincide with periods of increased confirmation delay. However, individual Judiciary Committee chairs appear to have their own styles or approaches regarding judicial confirmations, at times quite distinct from party control. The existence of divided government may be off-set somewhat by a committee chair who works well (or at least well enough) with the president on judicial appointments, as occurred during the Nixon administration, when judicial appointments were less contentious overall. Conversely, the benefits of unified government may be limited when (as occurred in the 96th Congress when Kennedy chaired the committee) the chair of the Judiciary Committee has his own agenda regarding judicial appointments and does not agree with the president as much as simple party membership would indicate. Of course, as seen in the early Reagan years, the benefits of unified government may be enhanced by a Judiciary Committee chair who is in agreement with and does not attempt to thwart the administration's nominees. Finally, as we see from the confirmation crisis during the Clinton years, divided government may be accompanied by a committee chair who works against the administration, which in our study led to the highest levels of delay.[49]

Our findings indicate that increased delay in the confirmation process should continue under the current administration of President George W. Bush, especially given the partisan shift to Democratic control in the Senate in 2001 and the accompanying change in chairmanship of the Judiciary Committee to Senator Patrick Leahy (D-VT). The ramifications of the partisan conversion in the Senate became quickly apparent during the early stages of the Bush administration, with those in the administration criticizing Democrats in the Senate for unfairly delaying the president's nominees. Meanwhile, some Senate Democrats have stated an intention to delay confirmation for nominees considered to be too ideologically extreme, or in response to the treatment Republicans extended to the Clinton nominees.[50]

Although political factors (divided government and the relationship between the president and the chair of the Judiciary Committee) influence the severity of judicial confirmation delay, institutional changes have occurred in how lower court judges are selected by presidents and confirmed by the Senate. Most important have been the heightened public importance of lower court

[49] Our conclusions regarding the importance of both divided government and the actions of the Judiciary Committee chair are supported in a recent study by Sarah A. Binder and Forrest Maltzman, who find that committee chairs are more likely to utilize their scheduling powers to delay a president's nominee during periods of divided government. See "Senatorial Delay in Confirming Federal Judges," *American Journal of Political Science* 46 (January 2002): 190–199.

[50] Lisa M. Holmes and Elisha Savchak, "Judicial Appointments During President Bush's Honeymoon Year: Maintaining Focus in a Dynamic Political Climate" (paper presented at the 2002 Meeting of the North Carolina Political Science Association, Catawba College, Salisbury, NC, 5–6 April 2002).

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appointments and the more thorough and independent screening and scrutiny of nominees by both branches involved in the appointment process. Therefore, even absent the partisan shift in the Senate in 2001, we would not have expected President Bush's nominees to be rubber stamped by the Senate without conflict or delay. Although confirmation delay would likely be less severe if Bush had continued enjoying the advantages of a Republican-controlled Senate with Senator Hatch chairing the Judiciary Committee, the institutional changes made in the appointment process since the Carter administration continue to make the days of routine lower court confirmations a distant memory.*

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# Jewish Kinship at a Crossroads: Lessons for Homelands and Diasporas

YOSSI SHAIN

The transmission of culture and identity across frontiers has become an important feature in the interaction between diasporas and their kin states.[1] This exchange is especially powerful in the United States where immigrants, old and new, continue to assert their identity with their kin states by virtue of ethnic, economic, or familial ties, and are attuned to the general concerns of their ancestral homelands.[2] The ties and psychological identification of diaspora communities with their kin states, along with the concrete effects of homeland affairs on their own lives, lead diasporas to try to play an active role in the homeland. Moreover, ethnic communities in America have managed to maintain their identities by using homeland-related affairs as a vehicle to mobilize and sustain communal identities in America. These newly mobilized communities are in principle better able to turn their organized attention to critical issues in American politics and society. The real or symbolic connection with the homeland has been nourished by the growing legitimacy of organizing American social and political activity along specific ethnic lines as the cornerstone of multiculturalism. Many Americans today are bridging their old and new worlds without having to renounce their allegiance to either, and it is un-

[1] Robin Cohen, *Global Diasporas: An Introduction* (London: UCL Press, 1997); Gabriel Sheffer, ed., *Modern Diasporas in International Politics* (London: Croom Helm, 1996); Thomas Sowell, *Migrations and Cultures: A World View* (New York: Basic Books, 1996); Charles King and Neil Melvin, *Nations Abroad: Diaspora Politics and International Relations in the Former Soviet Union* (Boulder, CO: Westview Press, 1998).

[2] Alexander DeConde, *Ethnicity, Race and American Foreign Policy: A History* (Boston: Northeastern University Press, 1992).

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derstood that they are able to serve both the United States and their countries of origin or symbolic homelands without fear of the dreaded charge of dual loyalty. At least this is the case in peacetime. When there is an apparent conflict between the old and new worlds, however, in terms of politics, culture, and aspirations, the diasporic element of American ethnic groups may become a liability and even a stigmatizing factor, potentially hindering inclusion in American society. This has once again been dramatically proved in the case of Arab and Muslim Americans in the aftermath of the September 11 terrorist attacks.

The various interactions between Americans and their homelands have long been premised on the idea that Americans' ties abroad would serve America's interests and perpetuate American ideals. U.S.–based diasporas will typically try to emphasize that there is no conflict of interests between their American identity and their ties to their kin states and cultures.[3] The identity of U.S.–based diaspora groups is made up of elements that are shared with the homeland, that are unique to the American experience, and that are with "kin" in other countries. Diasporic interests in homeland affairs are the product of a multiplicity of motivations, among them the desire that there be harmony/confluence of interests between them and their kin in their respective homelands. Debates between diasporic and homeland elements may arise over the interest of "the people" (the entire kin community inside and outside the homeland), the definition of the people's identity ("the vocation of uniqueness" to use Martin Buber's expression), and the interests of the homeland, including the extent to which the diaspora should have a voice in defining the terms of the homeland's existence, well-being, and international behavior. These issues are constantly contested, subject as they are to developments on the American domestic scene, the realm of international politics, and homeland affairs. For diasporas, which are part of the rich and accommodating tapestry of American multiculturalism, the difficulty of maintaining the content of their respective ethnocultural and religious identities in America has led to an increasing dependence on ties to the homeland for identity sustenance. Homelands that have been struggling against economic and military challenges, as well as with core questions concerning ideational foundations, have turned to diaspora communities for material, psychological, and spiritual assistance to ensure their viability and inform national identities and goals.

The fact that many U.S.–based diasporas and their respective homelands often see their character and interests intertwined in some fashion underscores the elastic and flexible nature of identity and interest across frontiers. This is particularly evident in the interaction between Jewish Americans and Israel, which has become a model for both decision makers and scholars of interactions between diasporas and their kin states.[4] The growing fluidity and diversity

[3] See Yossi Shain, *Marketing the American Creed Abroad: Diasporas in the U.S. and Their Homelands* (New York: Cambridge University Press, 1999).

[4] See William Safran, "Diasporas in Modern Societies: Myth of Homeland and Return," *Diaspora* 1 (Spring 1999): 83–99; Martin Weil, "Can Blacks Do for Africa what the Jews Did for Israel?" *Foreign Policy* 15 (Summer 1974): 109–30.

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of Jewishness within the two largest centers of world Jewry, compounded by a renewed sense of threat to Jewish security worldwide emanating from the violence in the Middle East and the concomitant anti-Semitic campaign, make the study of the mutual influences between American and Israeli Jews a valuable study in the overall analysis of diasporas in world affairs.

This article examines the Israeli-Diaspora relationship from the perspective of an evolving Jewish identity. The question of Jewish identity in Israel and in the United States, the continuing insistence of many Jewish Americans on perceiving Israel as a critical source of their own identity and therefore as a crucial target of their influence, and Israel's direct or indirect involvement in the lives of all Jewish communities create a dynamic in which reciprocal influences mutually constitute Jewish identity. The article underscores the reasons for Jewish Americans' growing involvement in and impact on the Israeli identity battle. It also analyzes the growing openness of Israeli society to liberal (non-Orthodox) diasporic influences. The new modes of Jewish-American participation in domestic and international Israeli affairs coupled with the Israeli rethinking of its own position vis-à-vis the diaspora in terms of legitimacy, status, power, and identity have opened the way for greater negotiation over the meaning and purpose of Judaism in the twenty-first century.

At a time when many speak of the widening "gulf between the two centers of world Jewry" due to "divergence of identities,"[5] or " the waning of the American Jewish love affairs with Israel,"[6] I argue the opposite. Today, Jewish Americans influence the nature of Jewish identity in Israel more than ever before, and Israel is reaching out to diasporic voices in an unprecedented manner. This mutual reinforcement may draw the two communities closer together rather than farther apart, reinvigorating Jewish identity in both countries. A deeper understanding of these dynamics sheds light on the broader phenomena of ethnic American impact on the identity and politics of homelands.

As will be become evident, the two issues that dominate Diaspora-Israeli relations are Jewish security and identity—both in the United States and in Israel. The perceived significance of identity issues on both sides is elastic and always determined by concerns with security. When security is threatened, debates over identity recede. Equally, when security is perceived to be enhanced, debates over identity resurface. Perceptions regarding the acuteness of the security issues are not always shared between and within the two countries, and the debates will directly correspond to the differing emphases on Jewish identity. Yet when perceptions of acute insecurity are evident, they may rapidly cre-

[5] Naftali Rothenberg, "Jews in Israel and the United States: Diverging Identities" in Ernest Krausz and Gitta Tulea, eds., *Jewish Survival: The Identity Problem at the Close of the Twentieth Century* (New Brunswick, NJ: Transaction, 1999), 166–67.

[6] See Steven T. Rosenthal, *Irreconcilable Differences? The Waning of the American Jewish Love Affair with Israel* (Hanover, NH: University Press of New England, 2001). This book appeared after this article was accepted for publication and thus could not be sufficiently integrated in my overall argument.

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ate a sense of kinship solidarity that overwhelms other dimensions of identity. Thus, an examination of the interplay of these two issues with the Israeli-Jewish-American case also generates important theoretical lessons.

## Judaism and the Homeland Dimension

Throughout the 1990s, the Israeli-Diaspora relationship had been evolving in different directions. For almost a decade, many Israelis and diaspora Jews believed that a comprehensive Middle East peace would fundamentally alter both Israel's Jewish character and relations between the sovereign Jewish state and Jewish existence in the West. Peace would have enabled Israel to achieve a level of normalization that would have loosened the bonds of involvement with and responsibility for the diaspora, while releasing the diaspora from burdensome entanglements with Israeli security issues that had overshadowed lives in their countries of domicile for over a generation. As late as summer 2000, the prevailing sense among observers of Jewish-American affairs was that "the Israel agenda" of American Jews and Jewish advocacy groups "has changed radically. Whatever the serious problems and deep pitfalls in the peace process, the issues that have come to the fore are related more to the relationship between Israel and America's Jews than with the physical security of Israel."[7]

Far from representing a process of detachment, the 1990s were marked by a growing involvement of Jewish-American liberal movements in the backlash against and coercion by Israel's religious establishment, which led many Israelis to shed their religious identities even beyond their secular Zionist socialization. In 1999, U.S.–based Reform and Conservative movements funded a public campaign on Israeli billboards and in the media, which called on secular Israelis to embrace religious pluralism under the slogan "there is more than one way to be a Jew." The campaign, financed by a grant from a Jewish family foundation in San Francisco, met with a harsh response from the Israeli ultra-Orthodox sector. At the time, a leading ultra-Orthodox figure stated: "If this situation continues, we will have a cultural war here, the likes of which we have not seen in a hundred years."[8] This campaign was part of a growing Jewish-American involvement in the battle over Israel's Jewish identity. This battle, often described in general terms as the struggle between secular and religious Jews[9] or

[7] Jerome A. Chanes, "Who Does What? Jewish Advocacy and Jewish 'Interest'" in L. Sandy Maisel and Ira N. Forman, eds., *Jews in American Politics* (New York: Rowman & Littlefield, 2001), 101.

[8] Deborah Sontag, "Ads for Liberal Judaism Offend Israeli Orthodox," *New York Times*, 11 September 1999.

[9] Studies by Yochanan Peres and Epharim Yuchtman-Yaar present the following categories of Israeli Jews according to their self-definition: 10 percent *haredim* (ultra-Orthodox), 10 percent religious, 29 percent traditional, and 51 percent secular. These studies also reveal that 23 percent of the Jewish-Israeli public worships in synagogues on a daily basis, and 26 percent does not drive a car on the Jewish Sabbath. See *Between Consent and Dissent: Democracy and Peace in the Israeli Mind* (Jerusalem: The Israel Democracy Institute, 1998), 162–63. According to Asher Arian, "About a quarter of Israeli Jews are observant in an Orthodox sense or even beyond that, including 6 to 10 percent *haredi*, or ultra-Orthodox, [while] about 40 percent are determinedly secular." See *The Second Republic: Politics in Israel* (Chatham, NJ: Chatham House, 1998), 10.

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between "Israeliness" and "Jewishness" was the most controversial domestic theme in Israeli politics and civic culture in the 1990s, with far-reaching political, economic, and legal ramifications.[10] Only the al-Aqsa intifada, which erupted in late September 2000, and the ensuing wave of Palestinian terrorism that brought security back to the center of the Jewish agenda were able temporarily to stem this rupture that threatened Israeli society from within.[11] Certainly violence has become a common feature of the Israeli *Kulturkampf* (culture war), most dramatically expressed in the assassination of Prime Minister Yitzhak Rabin.[12] On 24 June 2000, for example, with secular-religious tensions rising, religious extremists set a Conservative synagogue in the heart of Jerusalem on fire. Prime Minister Ehud Barak declared the attack "shocking . . . a horrible act that chills the souls of all Jews."[13] Yet just months later, after the apparent collapse of the Oslo peace process and as the identity issues among Jews were pushed to the side in the face of a renewed Arab-Jewish conflict, Israeli President Moshe Katsav said that the violent clashes between Jews and Arabs helped reduce the divisions that exist in Israeli society.[14]

Before the eruption of violence in autumn 2000, the struggle over Israel's Jewish character also had been considered the most contentious issue within the Jewish-American community, which has been grappling with its own identity. True, internal Jewish-American debates regarding the standards for gauging Jewish identity are mostly informed by the reality of Jewish life in the United States and are thus somewhat distant from internal Israeli debates.[15] Yet the American and Israeli contexts are closely interconnected, as principles and practices in both places nourish and impinge upon each other. Jewish-American positions on matters of politics and society in the United States, including on Judaism and the interest of the Jewish people, are often fashioned according to perceptions about Israel, U.S.–Israeli relations, and Israeli domestic and international behavior. Israeli politics and society in turn have been highly dependant on the government and the Jewish community of the United States, and must take into consideration the views of the diaspora regarding Israel's disposition on matters of war and peace, as well as Israel's Jewish and democratic character.

[10] For an excellent analysis of the dynamics of the ultra-Orthodox economy, see Eli Berman, "Sect, Subsidy and Sacrifice: An Economist's View of Ultra-Orthodox Jews" (unpublished paper, Boston University, National Bureau of Economic Research, March 1999).

[11] One survey reported that 47 percent of Jewish Israelis believe that the culture war "will end in a violent struggle or a civil war." See Bernard Susser and Charles S. Liebman, *Choosing Survival: Strategies for the Jewish Future* (New York: Oxford University Press, 1999), 113.

[12] Rabin, who signed the Oslo agreement with the PLO that promised Israel's withdrawal from territory in the West Bank and Gaza, according to religious ultranationalists committed "a punishable sin against divine law for ceding control of parts of the land to non-Jews." Martin Kramer, "The Middle East, Old and New," *Daedalus* 126 (Spring 1997); 94.

[13] *Ha'aretz*, 26 June 2000.

[14] *Ha'aretz*, 5 October 2000.

[15] Tamara Hausman, "U.S. Demographer: New Criteria Needed for Defining Jewishness," *Jerusalem Post*, 22 October 1999.

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Certainly the efforts of non-Orthodox denominations to influence the homeland's Jewish identity are not new.[16] Yet, until recently their intervention in Israeli affairs was sporadic and not vigorous. In 1977, Charles Liebman wrote that "because Israel is a symbol, its particular policies are not very important to [non-Orthodox] American Jews" . . . and "fall outside the boundaries of [their] legitimate activity."[17] The Orthodox, however, are the only ones who "have a clear image of what Israel should be like and a sense of religious obligation to translate the image into specific policies."[18] Liebman could only envisage Jewish-American Orthodox interventions to restrain Israeli Zionist attempts to erode the State's "Jewish content." The assertion that Israeli "Jewish content" is more relevant to the diaspora Orthodoxy than to non-Orthodox denominations was thus built on the assumption that the latter's version of Judaism is loose and ephemeral.[19]

Regardless of the validity of this argument, this is certainly not the case today with the Reform and Conservative Jews now increasingly embracing more traditional religious practices. A corollary of this indigenously American trend is the heightened attention towards Jewish identity in Israel. There are many answers to the question of why Reform and Conservative Jews in the United States (about 65 percent of America's six million Jews),[20] who have always considered the United States their chosen country, are so invested in shaping Jewish identity inside Israel at this juncture.[21] Many emphasize the comfort of having a place to which one can always move should conditions in the United States become unfriendly. Periodic episodes of anti-Semitism are seen as reminders to older generations of Jewish Americans of the precariousness of being a Jew in a Christian-majority culture. Others argue that it is not danger, rather the absence thereof, that drives the current attention of Jewish-Americans to Israel. As they achieve full integration and great triumphs in all aspects of American life, many argue that American Jews, qua Jews, have become victims of

[16] For a discussion of these early efforts, see Zalman Abramov, *Perpetual Dilemma: Jewish Religion in the Jewish State* (Cranbury, NJ: Associated University Press, 1976), 375–76.

[17] Charles S. Liebman, *Pressures Without Sanctions: The Influence of World Jewry on Israeli Policy* (Cranbury, NJ: Associated University Press, 1977), 202 and 213.

[18] Ibid., 206.

[19] This view is echoed in the work of Yair Sheleg, an Israel journalist on religious affairs who recently observed that "while the demographic, financial, and spiritual center of gravity of non-Orthodox movements is in the United States, Israel is the world center for almost every Orthodox group." See *The North American Impact on Israeli Orthodoxy* (New York: The American Jewish Committee, 1999), 6.

[20] According to the 1999 American Jewish Committee Annual Survey, there are about six million Jews in America. Their denominations break down as follows: 34 percent Reform, 31 percent Conservative, 24 percent "Just Jewish," 8 percent Orthodox, and 3 percent Reconstructionist. See Hanna Rosin and Caryle Murphy, "With Return To Tradition, Mixed Emotion," *Washington Post*, 11 September 1999.

[21] The Reform Movement in Israel is called the Israel Movement for Progressive Judaism, and the Conservative movement is called the Masorti.

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their own success.[22] From the point of view of Jewish identity, some argue that the community faces a demographic peril as half of its members marry non-Jews, assimilate, or drift.[23] Moreover, Jewish-American ethnicity as a cultural trait is no longer enough to sustain Jewish existence in the United States. With the fading of traditional Jewish neighborhoods, Jews have lost many of their distinctive ethnic markers and "have become Americans indistinguishable from other [white] Americans."[24] Today, even the most liberal streams in American Jewry acknowledge that, "without the synagogue Jewish life in the U.S. cannot endure."[25] Many Reform Jews—as part of the movement's "worship revolution"—are now searching for new meaning in old religious rituals that were disposed of as part of their grandparents' desire to assimilate.[26] Survey data show that religion is the most distinctive attribute of most Jewish Americans.[27] Certainly, the memory of the Holocaust has also become a major source of communal identity. Altogether, the fact that Jews do not have to hide their religion and even can celebrate it as part of their American identity was made evident by the landmark selection of modern Orthodox Jewish Senator Joseph Lieberman as Al Gore's running mate in 2000. His candidacy symbolized, perhaps more than anything else, that practicing the Jewish religion as opposed to Jewish assimilation is in itself a part of normal American life. Even in Israel, Lieberman's selection challenged some of the fundamental assumptions of modern Zionism regarding the alleged anomaly of Jewish diasporic life. It also presented many Israelis with an attractive model of reconciling religion and state.[28]

Among the major religions, Jewish theology is distinctive with its stress on the concept of a homeland, "the Land of Israel" (Eretz Israel). This makes the character of the Jewish diaspora unique, since living outside the land is theologically a sign of failing to fulfill God's plan. The vision of returning to the holy

[22] Alan Dershowitz put forward the "Jewish Question" for the twenty-first century as "Can we survive our success?" He writes, "The good news is the American Jews—as *individuals*—have never been more secure, more affluent, and less victimized by discrimination or anti-Semitism. The bad news is that American Jews—as a *people*—have never been in greater danger of disappearing through assimilation, intermarriage, and low birth rates." See Alan M. Dershowitz, *The Vanishing American Jew: In Search of Jewish Identity for the Next Century* (Boston: Little, Brown and Co., 1997), 1. (Emphasis in original.)

[23] For the debate over the study of Jewish-American demography and the different interpretations of populations surveys, see Bernard Wasserstein, "Post-Diaspora Jewry and Post-Zionist Israel" (paper presented at the International Conference on "Diasporas: Transnational Identities and the Politics of the Homeland," University of California, Berkeley, 12–13 November 1999).

[24] See Rodger Kamenetz, "Foreword," *On Judaism*, Nahum N. Glatzer, ed. (New York: Schocken Books, 1996), xvi. Also see George M. Marsden, *Religion and American Culture* (San Diego, CA: Harcourt Brace Jovanovich Publishers, 1990), 219–220.

[25] Author's interview with Rabbi Ammiel Hirsch, 29 December 1999.

[26] David Abel, "Jews Find New Meaning in Ritual," *Boston Globe*, 5 December 2001.

[27] Sidney Goldstein, "Profile of American Jewry: Insights from the 1990 National Jewish Population Survey" in David Singer and Ruth R. Seldin, eds., *American Jewish Year Book 1992* (New York: The American Jewish Committee, 1992), 12–132.

[28] See Avi Beker, "A Different Model of a Jew," *Ha'aretz*, 14 August 2000, (Hebrew ed.).

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homeland is built into the very definition of all diasporic Jewish communities, at least symbolically. Thus, while most religions do not define themselves according to "political maps" and are not bound by membership in states, nations, or homelands, Judaism lends itself more to nationalism than to "transnationalism," as opposed to Christianity or Islam.[29] For fundamentally religious Jews, whose religious self precedes their other identities, the halachic decree of dwelling in the land of Israel implies that life in the United States is only a temporary sojourn, at least conceptually. Those religious Jews who consider exilic life (*galut*) as a punishment from God may suspend their move to Eretz Israel until the coming of the Messiah.[30] At least until 1945, "most Orthodox Jewish authorities opposed Zionism as a blasphemous anticipation of the divine eschatological plan. And on this point they found common cause with most early (modernist) leaders of Reform Judaism—though the two groups would have shrunk with horror from any thought of commonality."[31] Yet the founding of Israel in 1948 presented all streams of American Jews with a constant dilemma of whether the modern nation-state of Israel and its policies, both internal and external, reflect their aspirations of a true Jewish state.

Religious Zionists in the Unites States, like their counterparts in Israel, considered the creation of Israel as the "beginning of the flowering of Jewish redemption" (*geula*); this messianic doctrine became the ideological hallmark of American Orthodoxy after the 1967 war. Accordingly, a disproportionate number of Jewish-American immigrants to Israel are Orthodox.[32] A 1998 survey indicates that while 81 percent of Orthodox Jews in America visited Israel, only 38 percent of Reform Jews visited the country, and only 25 percent of Reform Jews think that a visit to Israel is important for maintaining their Jewish identity.[33] Still, 91 percent of Conservative Jews and 73 percent of Reform Jews agree that "caring about Israel is a very important part of my being a Jew."[34] The centrality of the state of Israel as the spiritual and cultural center of world Jewry is now recognized even by the Reform movement, which has undergone a dramatic shift from its early anti-Zionist position toward endorsing Zionism.[35]

[29] Perhaps this is the reason why a recent volume on transnational religion has overlooked contemporary Jewish experience altogether. See Susanne Hoeber Rudolph and James Piscatory, eds., *Transnational Religion and Fading States* (Boulder, CO: Westview Press, 1997).

[30] For all these reasons Orthodox and ultra-Orthodox Jewry were eager to intervene in Israeli life since the early days of the state. Liebman, *Pressure Without Sanctions: The Influence of World Jewry on Israeli Policy*, 212.

[31] See Bernard Wasserstein, "The Politics of Holiness in Jerusalem," *Chronicle Review*, 21 September 2001 (section 2 of *The Chronicle of Higher Education*).

[32] While fewer than 10 percent of American Jews are Orthodox, they comprise over 80 percent of American immigrants. Sheleg, *The North American Impact on Israeli Orthodoxy*, foreword.

[33] See Haim Handwerker, "With Mexico Next Door, Who Needs Israel," *Ha'aretz*, 14 January 1998.

[34] See "American Jewish Attitudes Towards Israel and the Peace Process," A Public Opinion Survey Conducted for the American Jewish Committee by Market Facts, Inc., 7–15 August 1995, 63.

[35] As early as 1885, the blueprint of American Reform Judaism declared, "We consider ourselves no longer a nation, but a religious community, and, therefore, expect neither a return to Palestine . . . nor the restoration of the laws concerning the Jewish state." See "Reform Judaism and Zionism: A Centenary Platform," *CCAR Journal* (Spring 1998): 10.

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In its 1999 Pittsburgh Convention, the Reform moved beyond embracing "religious and cultural pluralism as an expression of the vitality of Jewish communal life in Israel and the Diaspora," to affirming "the unique qualities of living in Eretz Yisrael" and to "encourage aliyah" (moving to Israel).[36]

Perhaps even more critical is the growing understanding of Reform and Conservative rabbis in the United States that their ability to develop and disseminate their creed of Judaism in the context of modernity and democracy inside Israel is the "ultimate test of Jewish authenticity for Progressive Judaism" in the diaspora. These sentiments were expressed by Rabbi Richard Hirsch, executive director of the World Union of Progressive Judaism, in his keynote address to the 29th International Convention of the movement held, notably, in Jerusalem in March 1999. Rabbi Hirsch also declared that "to support the movement in Israel is not philanthropy toward other Jews, such as is Diaspora support for universities, hospitals, yeshivot, and a host of other worthy Israeli causes. To support Progressive Judaism in Israel is inseparable from investing in Liberal Judaism in the Diaspora."[37] Similarly, Dr. Ismar Schorsch, chancellor of the Jewish Theological Seminary of the American Conservative movement, has acknowledged that building a strong presence of the Conservative (*Masorti*) stream inside Israel is essential for "revitalizing the Conservative movement in North America."[38] Thus, the question of how to strengthen the ties between Jewish Americans and Israel preoccupies the leadership of the more liberal Jewish-American religious streams who consider Israel to be indispensable to their Jewish identity in the United States.

## The Israeli *Kulturkampf* and Jewish Americans

In its first three decades, the state of Israel was able to contain the strain between secularism and religion by turning the Zionist ideology and institutions into Israel's "civil religion." To begin with, Israel was established as the state of all Jews. Israel's famous 1950 Law of Return is not only "the concrete expression of the prophetic vision of the 'ingathering of exiles,'"[39] but also a statutory expression of its commitment to its Jewish character. The state's legal system distinguishes between personal status laws, which are based on the religious Jewish legal code, halacha, and all other laws (criminal and civil) based on the Napoleonic codex and Western universalistic orientations. The state was set at

[36] See statement by the Central Conference of American Rabbis, May 1999. For the opinions of the two leading shapers of the political ideology of the Reform movement on this issue, see Albert Vorspan and David Saperstein, *Jewish Dimensions of Social Justice: Tough Moral Choices of Our Time* (New York: UAHC Press, 1998), 137.

[37] The Electronic Newsletter of the World Union for Progressive Judaism (WUPJ News-issues 9, 11) March 1999.

[38] See Harvey Meirovich, *The Shaping of Masorti Judaism in Israel* (New York: The American Jewish Committee, 1999), 6.

[39] Asher Arian, *Politics in Israel: The Second Generation* (Chatham, NJ: Chatham House, 1985), 5.

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the center of a belief system (*mamlachtiyut* or statism) that provided the base for an eclectic Zionist identity. It gave Jewish content to the national project by building on the ideas of a "divinely chosen" nation (*am nivchar*) or "light unto the nations" (*or lagoyim*).[40] The state often used religious symbols in order to build the national narrative, enhance nationalist conformity and collaboration among the nationalist religious community, and coopt the newly arrived religious Mizrahim (oriental Jews). Zionism, in turn, was slowly accepted by the nationalist religious community as a modern theology that perceived the establishment of the state as a divine intervention in Jewish history.[41]

In the last two decades and especially during the years of the Oslo peace process, however, Zionism has been in decline or, as some argue, under assault inside Israel. This attrition was the result of a general perception that the Zionist vision reached its triumphant realization with a secure sovereign state with a large Jewish majority. The decline of traditional Zionism was also a result of a confluence of factors in the rapidly changing context of Israeli politics and society. The forces of market capitalism and globalization have eroded Israel's socialist roots and pushed large segments of the Israeli public to embrace "hedonism over heroism and modern consumerism over piety,"[42] as one writer put it. These tendencies, coupled with growing public sentiment that peace with the Arabs was imminent, further exacerbated Jewish-Israeli disunity. Within this context, several ideological and political camps challenged the core values of mainstream Zionism. The ultra-Orthodox envisioned Israel as a Jewish state ruled by Orthodox precepts. This camp includes the ultra-Orthodox Ashkenazim of European origin and a growing voting bloc of Mizrahim represented by the Shas party, which "seeks to replace secular Zionism with religious Judaism as the hegemonic ideology in Israeli society and presents this as the remedy for both the socioeconomic and the cultural grievances [of Mizrahim]."[43] The secular universalistic forces, on the other hand, advocate transforming Israel into a liberal and secular state for all its Jewish and Arab citizens.[44] The ultra-Orthodox push the agenda of a Jewish theocracy, and the secularists' campaign has often been called by the more traditional forces a "post-Zionist" effort to "de-Judaize" the country. Israel's internal cultural debate has also been compounded by conflicting visions over peace with the Arabs and Palestinians and

[40] For the best book on the subject, see Charles S. Liebman and Eliezer Don-Yehiya, *Civil Religion in Israel* (Berkeley: University of California Press, 1983). For an analysis of how the civil religion helped in creating Israel's perceived sense of "exceptionalism," and the implications of this collective identity for the foundation of Israel's national security, see Gil Merom, "Israel's National Security and the Myth of Exceptionalism," *Political Science Quarterly* 114 (Fall 1999): 409–434.

[41] Baruch Kimmerling, "Between Hegemony and Dormant *Kulturkampf* in Israel" in Dan Urian and Efraim Karsh, eds., *In Search of Identity: Jewish Aspects of Israeli Culture* (London: Frank Cass, 1999), 49–72.

[42] Peter Berkowitz, "A Dramatic Struggle Over Self-Definition," *Wall Street Journal*, 1 June 2000.

[43] See Yoav Peled, "Towards a Redefinition of Jewish Nationalism in Israel? The Enigma of Shas," *Ethnic and Racial Studies* 21 (July 1998): 703.

[44] Kimmerling, "Between Hegemony and Dormant *Kulturkampf* in Israel," 67.

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the future of the occupied territories. All these factors ruptured the alliance between religious and secular Zionists, culminating in fundamentalist nationalism and a blurring of the distinctions between religious Zionists and the ultra-Orthodox (*haredim*).[45]

For years, many believed that the internal Israeli *Kulturkampf* between the religious and secular communities was "fought out against the background of a general agreement on the value and importance of the Jewish tradition to Israel's cultural identity."[46] This was also the prevailing opinion among Jewish Americans, many of whom adopted idealized images of Israel after its 1967 victory in the Six Day War.[47] Yet by early 2000, many in Israel and the United States were no longer certain about the unassailable nature of Israel's Jewish-Zionist character, let alone satisfied with its conflicting directions—the insularity and perceived backwardness of Israeli ultra-Orthodoxy or the weakening sense of Jewish identity among secular Israelis. Many now fear that Israeli religious forces will continue to gain power and erode Israel's liberal democracy, or alternatively that the secularism of the West, which Israel has adopted as its own, is anathema to the preservation of a distinctly Jewish identity. For instance, Yehuda Nini, a professor of Jewish studies at Tel-Aviv University, has argued that the crisis of identity experienced by secular Israeli youth is so profound that "assimilation is a malaise no less chronic in Israel than in the Diaspora."[48]

Yoram Hazony has charged that Israel's Zionist-Jewish foundations are undermined by the rise of a post-Zionist, post-Jewish educated elite in Israeli society. He maintained that left-oriented Israeli scholars have penetrated the state's Education Ministry, rewriting school textbooks in an effort to undermine the founding vision of Israel and replace its Zionist and Jewish core values with more universal and democratic ones.[49] Others are much more apprehensive about the growing power of the *haredi* parties, which are using their grip

[45] Studies by Arye Ratner show that the main cleavage among Jews in Israel today is between the secular and the religious camps. These studies also indicate a growing affinity between religious Zionists and the *Haredi* community. While religious Zionists are gradually adopting more conservative religious practices, the *Haredi* camp is taking hard-line and ultranationalist positions on matters of peace and war with the Palestinians, and adopts the posture of religious Zionists in the settler community regarding the sanctity of the occupied territories. Altogether, Ratner points out, there is a growing tendency within the Israeli religious community to delegitimize Israel's legal system in favor of religious dogmas in a process that endangers the Israeli rule of law. See Arye Dayan, "Goodbye Old Cleavage, Hello New One," *Ha'aretz*, 30 July 2000, (Hebrew).

[46] Bernard Susser and Charles Liebman, *Choosing Survival: Survival Strategies for a Jewish Future* (New York: Oxford University Press, 1999), 94.

[47] Rabbi Eric H. Yoffie, leader of the Reform Movement, expressed this view when he said that unlike in the United States, in Israel "you don't have to worry . . . about reconciling a general culture with a Jewish culture." Cited in Meryl Hyman, *"Who Is a Jew?" Conversations, Not Conclusions* (Woodsock, VT: Jewish Lights Publishing, 1998), 171.

[48] Cited in Avi Beker, "Introduction: The Jewish Identity," (http://www.wzo.org.il/encounter/identity/htm).

[49] Yoram Hazony, *The Jewish State: The Struggle for Israel's Soul* (New York: Basic Books, 2000).

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on the balance of power in Israel's political system to draw greatly on state resources for their own sectarian needs. While the ultra-Orthodox leaders are heavily involved in Israel's domestic and foreign affairs, including matters of war and peace with the Arabs, their followers enjoy draft deferment and exemption from military service to attend subsidized Yeshiva studies. Many secular Israelis and some religious Zionists rail against the fast growing state-funded (yet outside the state-run education system) ultra-Orthodox schools that discredit the democratic values of the state. They believe that ultra-Orthodox students "are being trained to support an intolerant theocracy like Iran."[50]

Moreover, while religious Zionists and the ultra-Orthodox camp represent a minority of the Israeli Jewish population, their authorities maintain a monopoly over marriage, burial, conversion, and other functions governing life in Israel. The exercise of this domination and the strong political activism of Israeli ultra-Orthodox parties breed broad resentment among nonreligious Israelis and have caused a backlash against Judaism in general. Va'adat Shenhar, a committee appointed by late Education Minister Zvulun Hammer to study the decline of Jewish identity among Israelis, has found that the general decline of ideologies, the rise of consumerism and global markets, the politicization of religion, and the growing gap between religious and secular Jews, as well as debates over issues of peace with the Arabs, which over the years became imbued with religious significance, have all contributed to the declining attachment to Judaism among nonobservant Jews.[51] In the 1999 Israeli elections, one of the top issues galvanizing support for Ehud Barak was opposition to religious coercion. Many polls in Israel rated the religious-secular cleavage as the country's most dangerous crisis, above security concerns.[52]

Despite all of these developments, survey data also show that most Israelis continue to value their ties to their ancestral faith and are eager to fill its content with modern practices. In other words, they are not necessarily fully secular, even if they label themselves that way.[53] Charles Liebman has written that most

[50] See Jeffrey Smith, "'A War Over Culture': Israel's Shas Party Treads Traditional, Politically Powerful Path," *Washington Post*, 3 May 2000.

[51] ("*Am Ve'olam*") "Nation and World: Jewish Culture in a Changing World," Recommendations of the Committee for Investigation into Judaic Studies in State Education, Israeli Ministry of Education, 1994. Yosef Dan, a leading Israeli scholar of Judaic studies, has argued that the hostility of many Israelis toward religious politics has led them to abandon Judaism altogether, thereby downgrading the validity of Jewish pluralism and Jewish cultural aspects, and unintentionally legitimating the ultra-Orthodox religious hegemony. This process has contributed to the decline of Judaic scholarship inside Israel, while in the West, Judaic studies have flourished under the new creed of diversity and multiculturalism. Yosef Dan, "Empty Hands," *Free Judaism* 11–12 (October 1997): 9 (Hebrew).

[52] See David Arnow, "Barak's Mandate," *Forward* (New York), 2 July 1999.

[53] A 1993 study by the Guttman Institute of Applied Social Research maintains that "Israeli society has a strong traditional bent, and, as far as religious practices are concerned there is a continuum from the 'strictly observant' to the 'nonobservant.'" Schlomit Levy, Hanna Levinson, Elihu Katz, "Beliefs, Observances and Social Interactions Among Israeli Jews," The Louis Guttman Israel Institute of Applied Social Research, Jerusalem, December 1993, 2. Arian writes that "in 1996, the overwhelming majority of Jews identified themselves as 'Jewish' and 'Israeli.' Respondents were given four identities to rank: Jewish, Israeli, their ethnic classification (Ashkenazi or Sepharadi), or religion (observant or

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Israelis participate "in a patterned form of [Jewish] observance that is not [halacha], but that they have transformed into the folkways of secular Jewishness . . . [they tend to] label themselves "secular" [rather] than "traditional" [because of] the animus they feel toward the religious establishment and the religious parties."[54] Others argue that many Israeli Jews who are Sephardim (or Mizrahim) and who never experienced the pluralist reformation of the Ashkenazi world do not wish to abolish the Orthodox monopoly but rather to "reserve for themselves the informal right to pick and choose" while permitting "the [Orthodox] formal religion to remain as is."[55] These are among the strong forces militating against non-Orthodox Judaism in Israel, which are not only the result of ultra-Orthodox machinations or the secular backlash.[56] This argument, however, does not take into account the rapid changes in Israeli society over the last decade, above all the large influx of about one million post-Soviet immigrants, about a quarter of whom are not halachicly Jewish. This wave of newcomers introduced a large bloc of nonreligious citizens into Israeli society who may be seeking non-Orthodox options.[57]

In this complex reality the American-financed and ideologically sourced Reform and Conservative movements have appeared in Israel as one of the main groups trying to confront the religious establishment in the battleground over Israeli Jewish identity.[58] They have mainly targeted three groups—Israelis who have been exposed to Jewish alternatives in America and "who want religious choice at home . . . Israelis who wish to register protest against the ultra Orthodox political, legal and religious stronghold . . . [and they] also appeal to secular Israeli values, such as egalitarianism."[59] In other words, these movements are trying to provide a middle-ground Jewish option for many nonob-

secular). . . . More than 40 percent of the respondents chose each of 'Jewish' and 'Israeli' as both first and second choice. Ethnic and religious observance identities were left far behind." Arian, *The Second Republic*, 7.

[54] Charles Liebman, "Comment" on Yossi Klein Halevi's essay in "Jewish Identities in Post-Rabin Israel," Institute on American Jewish Israeli Relations, July 1998, 23.

[55] Daniel J. Elazar and Shmuel Sandler, "Introduction: The Battle over Jewishness and Zionism in the Post-Modern Era," *Israel Affairs* 4 (Autumn 1997): 17.

[56] Moshe Shokeid has found a great degree of similarity between the synagogue practices of Mizrahim in Israel and the religious practices of Conservative American Jews. "Like the Mizrahim in Israel, Jewish Americans developed a social infrastructure of a communal-family migratory base that unified and preserved the Jewish-American synagogue communities for many decades." Moshe Sokeid and Shlomo Deshen, *The Generation of Transition: Community and Change among North African Immigrants in Israel* (Jerusalem: Yad Izhak Ben-Zvi, 1999), 243–44 (translated by the author from Hebrew).

[57] See Yair Sheleg, "Russian Jews Choosing Reform Judaism," *Ha'aretz*, 21 December 1999; Haim Shapiro, "Melchior Unveils Plan to Convert Immigrant Children," *Jerusalem Post*, 21 December 1999.

[58] For an analysis of the media campaigns of the movements, see Michal Schwartzman, "The Media Campaign of the Reform and Conservative Movements in Israel" (unpublished paper, Tel Aviv University, 1997).

[59] See Elan Ezrachi, "Jewish Renaissance & Renewal in Israel: A Report of the Dorot and Nathan Cummings Foundation," January 2001, 18.

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servant Israelis and put special emphasis on outreach programs for the new post-Soviet immigrants.[60] The movement towards pluralistic Judaism has grown significantly inside Israel, with the Reform and Conservatives establishing synagogue centers, educational programs, rabbinical schools, youth movements, and other outreach institutions.[61] The Conservative and Reform movements have also been instrumental in the legal struggles to alter the Orthodox monopoly over Jewish marriage and conversion, to loosen orthodox domination of religious councils, and to allow burial in nondenominational cemeteries. These Jewish-American movements with their growing Israeli-based extensions have also played a critical role in the Israeli High Court of Justice rulings allowing women to hold religious services at the Western Wall, Judaism's holiest site, and most dramatically in February 2002, ordering the Israeli Interior Ministry to register non-Orthodox converts as Jews on their identity cards.[62]

Finally, these movements have taken the lead in redirecting diasporic funds from general fundraising for Israel to educational institutions and social-political programs aimed at promoting tolerance, democracy, and religious pluralism.[63] These new financial trends motivated by the campaign for pluralist Judaism have greatly affected the sums, structure, and destination within Israel of Jewish-American philanthropy. A recent study of such financial trends shows how dramatic the diaspora's involvement in the Israeli *Kulturkampf* has become.[64] Since the early 1990s, targeted American-Jewish giving to Israel has quadrupled, reaching approximately 2 billion dollars in the year 2000.[65] The

[60] See the statement by Samuel H. Sislen, executive director of the Masorti Foundation for Conservative Judaism in Israel in "Strengthening Israel, Strengthening Conservative Judaism," *Women's League Outlook*, Fall 1999.

[61] For reports on the movements' activity inside Israel, see Ephraim Tabory, "Reform Judaism in Israel," The American Jewish Committee, New York, October 1998; Harvey Meirovich, "The Shaping of Masorti Judaism in Israel," The American Jewish Committee, New York, January 1999. For a Reform discussion, "Is the Legal Struggle the Wrong Way to Go?" see Albert Vorspan and David Saperstein, *Jewish Dimensions of Social Justice*, 144–45.

[62] Until recently, the Western Wall was under the exclusive control of Orthodox religious authorities, which regard women's services as an abomination. See "Women at the Western Wall," *Washington Post*, 31 May 2000.

[63] In November 1999, activists of the General Assembly (GA) of America's Jewry held in Atlanta, moved to establish a single umbrella organization, the United Jewish Communities (UJC). In what was described by one Israeli journalist as "more than a bureaucratic upheaval," the new organization tries to redirect funds to bolster Jewish identity in a process that empowers U.S.–based local federations and give them greater say over spending in Israel. The new body unified all Jewish communities across America through a merger of the United Jewish Appeal (UJA), the United Israel Appeal (UIA), and the Council of Jewish Federations (CJF). See Nitzan Horowitz, "Historic Assembly to Be a Melting Pot, as U.S. Jewish Organizations Merge," *Ha'aretz*, 17 November 1999; Marilyn Henry, "GA ends with united body, divisive issues," *Jerusalem Post*, 21 November 1999.

[64] As early as 1989, a Steven Cohen survey of American Jewish leaders identified a growing trend of "supporting those Israeli non-party groups that advance one's vision of Israeli society." Cohen, "Israel Diaspora Relations," 43.

[65] See Nir Boms, "Redefining Israel: The Changing American-Jewish Community of Israel as Indicated by Changes in Jewish-American Philanthropy" (MA thesis, University of Maryland/Baltimore-Hebrew University, 2000), 98.

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campaign for pluralist Judaism further made the Reform and Conservative movements the nemesis of much of Israel's religious establishment, which has at various times denounced them as "non-religious," "anti-religious," "enemies of Judaism and the Jewish State," and even "more dangerous to the Jewish nation than the Holocaust." The last statement, made by Israel's Sephardi Chief Rabbi Bakshi-Doron, was described by leaders of the Reform movement in Israel as an "incitement to bloodshed and civil war."[66] Ultra-Orthodox leaders also charged that these movements represent a foreign, American phenomenon.[67]

As they have become more cognizant of the centrality of Israel to their own Jewish-American identity, these movements have decided to engage directly in a struggle to redefine Israel's identity in their own image. The assumption of many Jewish Americans, writes Jack Wertheimer, provost of the Jewish Theological Seminary of America, is that the Diaspora "has much to teach its benighted Israeli cousins. Living in a heterogeneous environment, American Jews . . . have learned the blessings of diversity, and accept the legitimacy of many different forms of religious Jewish expression. Moreover, thanks to constitutional guarantees of church/state separation, American Judaism is not demeaned by the kinds of electoral horse-trading to which Israeli religious parties inevitably must stoop. In short, American Jews and American Judaism have grown in an atmosphere of pluralism and tolerance, and Israeli Jews would do well to learn from their example."[68]

## The Controversy over "Who is a Jew?"

The involvement of Conservative and Reform Jewish Americans in Israeli affairs was rejuvenated in 1988 when the religious parties moved to redefine "who is a Jew?" in a manner that invalidated Reform and Conservative rabbis in the United States.[69] Subsequently, leaders of the vast majority of American organized Jewry declared "open revolt against Israel."[70] It was the first time that the bitter hostility between American non-Orthodox leaders and the New York-based Lubavitch Hasidic movement, led by the late Rabbi Menachem Mendel Schneerson, was injected into the Israeli arena with such ferocity. The Lubavitchers' ardor and money ignited Israeli religious zealousness and the move

[66] Yossi Shalom and Shahar Ilan, "Chief Rabbi: Holocaust Pales Next to Reform," *Ha'aretz*, 26 January 1999.

[67] For other quotes, see Antje Kohler, "Orthodox Domination of the Religious Councils and the Exclusion of Reform and Conservative Jews" (unpublished paper, Tel Aviv University, 1999).

[68] Jack Wertheimer, "Judaism Without Limits," *Commentary*, July 1997, 24.

[69] With the rise of intermarriages among Jews in the United States, American Reform rabbis have eased the difficult process of Jewish conversion in order to enable tens of thousands of American gentiles to become Jewish. The Orthodox do not recognize these conversions and regard Reform and Conservative converts as non-Jews. J. J. Goldberg, *Jewish Power: Inside the American Jewish Establishment* (Reading, MA: Addison-Wesley, 1996), 338.

[70] Ibid., 340.

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to change Israel's legal definition of "who is a Jew."[71] It left an indelible mark on the future direction of Israeli politics and society. Ismar Schorsch commented at the time: "This is not an Israeli affair. This is a personal affair of the Lubavitcher Rebbe. He is trying to use the Law of Return in order to discomfit Conservative and Reform Judaism. His concern is not the purity of immigrants to Israel, but rather the strength of Conservative and Reform in America. This is an American affair which the Lubavitcher Rebbe is forcing upon Israel. . . . Israel is the battlefield; but the war is in America. . . . If the State of Israel declares that [our] conversion is no conversion, that means that [our] rabbis are no rabbis. This is the instrument through which the Lubavitcher Rebbe proposes to declare that Conservative and Reform Judaism in America are not authentic Judaism."[72] Such debates over the expression of authentic Jewishness and the authority of rabbinical leadership signaled the rise in diasporic intervention in Israeli domestic and foreign affairs. They also brought into the open the divergence between diaspora hawks and doves regarding peace and territorial compromise.[73] Throughout the 1990s, diaspora activists fueled the sharp divide within Israel over the peace process, even to the point of American ultra-Orthodox rabbis issuing rulings that sanctioned Israeli soldiers' insubordination and the assassination of Prime Minister Rabin in 1995.

Although the initial impetus for political battle over the legitimacy of non-Orthodox Judaism came from the diaspora, these issues took on a life of their own in Israel, raised again under the Netanyahu government (1996–1999), which comprised an unprecedented number of religious party representatives. When in 1997 the Israeli religious establishment sought once again to enact the Conversion Law "designed to formalize and institutionalize the prevailing norm, according to which the only acceptable conversions in Israel would be those performed by Orthodox rabbinical authorities," and "delegitimize Reform and Conservative rabbis,"[74] Israeli-Diaspora relations reached their lowest point. Although the conversion law was eventually suspended, the storm left a lasting mark on Israel-Diaspora relations. It eroded further the posture of automatic Jewish-American support of Israel in U.S. foreign policy. Thus,

[71] According to J. J. Goldberg, the Lubavitcher Rebbe "had built a powerful trans-Atlantic political machine to press his view on a reluctant Israeli Orthodox political establishment. They in turn, had pressured [Prime Minister] Shamir." Ibid., 338.

[72] David Landau, "Who Is A Jew? A Case Study of American Jewish Influence on Israeli Policy," The American Jewish Committee, 1996, 10–11.

[73] While the vast majority of Israeli Orthodox and ultra-Orthodox (about 80 percent) rejected the idea of a Palestinian state in the occupied territories, a large majority of "non-observant" (75 percent) or "somewhat-observant" (62 percent) Israeli Jews supported such an outcome as part of a permanent agreement. These divisions resemble those within the diaspora. See Asher Arian, "Israeli Public Opinion on National Security," Jaffe Center For Strategic Studies (JCSS) Memorandum No. 53, August 1999, 46.

[74] Abraham Ben Zvi, "Partnership Under Stress: The American Jewish Community and Israel" (monograph published by the Jaffe Center for Strategic Studies, Tel Aviv University, August 1998), 35.

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with the increasing involvement of Jewish-Americans the Israeli *Kulturkampf* took on an ever more complex international dimension.

Confronting the religious establishment inside Israel with outright secularism, which denies Israel's Jewish character as a sine qua non of the state's identity, seems unrealistic even to some leading secularized and staunchly antireligious sectors of Israeli society.[75] Thus when leading Israeli writers like Amos Oz, A. G. Yehoshua, Yehuda Amichai, and David Grossman paraded their opposition to the ultra-Orthodox attack on Israeli liberal-democratic institutions in early 1999, they called on Israelis to join the Reform and Conservative movements in order to "save Judaism from the enemies of democracy" and to "generate a new dynamic which will renew Israel's spiritual and cultural landscape."[76] A. B. Yehoshua added that "to stand with the Reform and Conservative movements is to defend ourselves."[77] The idea that American Judaism can give Israel "the greatest gift . . . a sense of pluralism in Jewish expression,"[78] to quote Conservative American Rabbi Elliot N. Dorff, has been gaining momentum among the liberal segments of American Jewry, with a growing foothold inside Israel.[79] Capping these trends, in 1999 Prime Minister Barak appointed Israel's first minister for Diaspora Affairs. When in November of that year the new Diaspora Minister Michael Melchior addressed the Jewish-American General Assembly, he said that "the future of the Jewish people requires a new definition of the partnership between all Jews and finding common ground on the question of Jewish pluralism."[80]

In sum, when ultra-Orthodox and more liberal Jewish denominations in the United States and in Israel clash over the central question of "who is a Jew?" they are fighting not only to decide the character of the modern Jewish homeland but also the right to claim and determine religious, cultural, and national identity for Jews wherever they reside. It was at this juncture that a semantic change began to appear in the discourse over Israeli-Diaspora relations with terms such as the negative *Galut* (exile) and the more neutral *tfutzot* (diaspora) being replaced by references to partnership with *ha'am hayehudi* (the Jewish

[75] Karsh and Urian, "Introduction" in Urian and Karsh, ed., *Jewish Aspects in Israeli Culture*, 4.

[76] For the statement see Shahar Ilan, "Progressive Jews: 'What Synagogue Are We Not Going to?" *Ha'aretz*, 21 February 1999.

[77] Cited in Rabbi G. Hirsch's keynote address, published in *The Electronic Newsletter of the World Union for Progressive Judaism*, Special Convention Issue, 11 March 1999, 5. The writers were attacked vehemently by secular Israelis, who argue that by endorsing Reform and Conservative Judaism and by calling on Israelis to join these movements, they were undermining the vision of a secular/humanistic Jewish-Israeli movement. For A. B. Yehoshua's response to these charges, see *Free Judaism* 14 (April 1999): 38 (Hebrew).

[78] "What Do American Jews Believe?" *Commentary*, August 1996, 30.

[79] Yossi Klein Halevi has articulated a vision of how Israel should develop a new, indigenous Judaism that builds on American diasporic innovation. See his essay in "Jewish Identities in Post-Rabin Israel," (publication of Institute on American Jewish Israeli Relations, July 1998).

[80] Cited in the periodical report of the Minister of Diaspora and Social Affairs, Jerusalem, 20 February 2000.

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people). This new approach was also behind the unprecedented financial backing (70 million dollars) that the Israeli government provided to the Birthright Israel program. This program was initiated by diasporic philanthropists and is also supported by North American Jewry's communal institutions as an outreach effort to young people in the diaspora "who have not been drawn into existing Jewish frameworks and may therefore soon be lost to the Jewish peoples."[81] Prime Minister Barak also saw the program as a vehicle to introduce Israeli youth to the multifaceted nature of Judaism.

## Jewish-American Identity and its Israeli Component

Given the complex ties between Israel and American Jewry that developed over the last decades, it should be recalled that Israel was not always the main focus of American Jewish life. To be sure, the divisions among American Jews over the legitimacy and necessity of the Zionist experiment in Palestine largely ended with the establishment of the State of Israel.[82] Even after the state was established, the diaspora focused mainly on integrating itself and European Jewish newcomers into American society and on eradicating post-Holocaust American anti-Semitism. The three major Jewish defense groups—the Anti-Defamation League, the American Jewish Committee, and the American Jewish Congress—struggled against racial and ethnic stereotypes in ways that helped establish universalistic liberalism as Jewish Americans' postwar ethnic identity.[83] This emphasis on integration also did not leave much room to cope with the trauma of the Holocaust.

Even with the very real emotional attachment they felt for Israel, Jewish Americans feared that excessive political expression of support for the new state would bring charges of dual loyalty that could not be allowed.[84] Indeed, diaspora leaders forced Israel to recognize that for American Jews America is the promised land. A document negotiated between Israel's first Prime Minister David Ben Gurion and Jacob Blaustein, president of the American Jewish Committee, declared in 1950 that "The Jews in the Unites States, as a commu-

[81] Cited in "Making Meaning: Participants' Experience of Birthright Israel" (publication of the Maurice and Marilyn Cohen Center for Modern Jewish Studies, Brandeis University, November 2000), 1.

[82] Jewish Americans organized large rallies on behalf of the new state, pleaded with the Truman government to recognize and stand behind it, and raised tens of millions of dollars for arms procurement in support of its 1948 war efforts. See David Schoenbaum, *The United States and the State of Israel* (Oxford, UK: Oxford University Press, 1993), 58–62. For a discussion of the Jewish-American role in President Truman's decision to accord recognition to the State of Israel, see Alexander DeConde, *Ethnicity, Race, and American Foreign Policy: A History* (Boston: Northeastern University Press, 1992), 131–136.

[83] Stuart Svonkin, *Jews Against Prejudice: American Jews and the Fight for Civil Liberties* (New York: Columbia University Press, 1999).

[84] See Samuel C. Heilman, *Portrait of American Jews: The Last Half of the 20th Century* (Seattle: University of Washington Press, 1998), 17.

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nity and as individuals, have only one political attachment and that is to the United States. . . . They owe no political allegiance to Israel."[85]

Ben Gurion's brand of Zionism largely ignored Jewish-American contributions to Israel's War of Independence and relegated diasporic Zionist efforts, "no matter how . . . helpful they might be to the Jewish State . . . [to] lower status in the hierarchy of Jewish values."[86] In turn, Jewish Americans believed that their experience was not going to recede into insignificance, but would continue to develop alongside the newly established state, unlike in other Jewish centers in the world. Nevertheless, the definitions of this duality varied according to ideological camps. Regarding religious identity, from the beginning of the century until the 1950s, Jewish Americans were generally removed from regular religious observance and synagogue life. "To be a Jew was primarily a matter of association with fellow Jews, not an act of affiliation with a synagogue, let alone a commitment to pay membership dues."[87] Only with the postwar move to suburbia did synagogues begin to grow and proliferate and Jewish community institutions begin to thrive. As religion took a more central place in American public life, Jews in suburban America began to enter mainstream American society. The social radicalism of the second generation of descendants of Jewish immigrants did not find favor among the third that came of age at this time. This new generation, following the pattern of their non-Jewish neighbors, expressed a greater interest in the religious element of their identity, but in a distinctly American way. Synagogue services and organizational structures borrowed heavily from Protestant practices, with the creation of Sunday schools, sisterhoods, etc. Altogether, the return to religious worship, based in large part on a search for roots and authenticity that could in other circumstances have denoted a retreat into cultural isolationism, became a clear signal of Jewish acculturation and integration into the broader society, which adopted religious practices informed by American values. American Judaism at this juncture had little to do with Israel, a stance that was reinforced by the often-hostile policy of the Eisenhower administration toward the homeland.[88] Even further, organized Jewish lobbying for Israel did not come into its own until the early 1960s.[89]

The growing legitimacy of ethnicity in American public life in the 1960s led to the growing politicization of U.S. Jews and brought to the fore the diasporic component of their identity. The openness of American society and the assertion of identity that came with it had several important influences on the community, leading to changes among American Jews that would soon have sig-

[85] Schoenbaum, *The United States and The State of Israel*, 64.

[86] Arthur Hertzberg, "Israel and the Diaspora: A Relationship Reexamined," *Israel Affairs* 2 (Spring/Summer 1996): 172.

[87] Wertheimer, *A People Divided*, 4.

[88] Abraham Ben Zvi, *Decade of Transition: Eisenhower, Kennedy and the Origins of the American-Israeli Alliance* (New York: Columbia University Press, 1998), 56–57, 96.

[89] Stuart E. Eizenstat, "Loving Israel—Warts And All," *Foreign Policy* 81 (Winter 1990–91): 92.

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nificant political repercussions. Jewish intermarriage rates, which had held steady at 4–6 percent for half a century, rose dramatically from 1965, reaching 30 percent in 1974 and more than 50 percent by the mid-1980s.[90] Differences of many kinds became more acceptable in American society, in ways that enabled younger Jews to claim their distinctiveness in a much bolder manner than their parents' generation had done. This was also the period when Jewish day schools throughout the United States began to proliferate, including the Conservative and Reform movements, whose leaders gradually subscribed to the Orthodox view "that only through day school education can Judaism survive [in the United States]."[91] The effects of general social change were also reflected in the push for gender desegregation, leading Jewish women to challenge traditional practices and claim roles as cantors and rabbis.[92] At the same time, Jewish Orthodoxy also gained confidence "in sharp contrast to the timidity that often characterized the movement in the first two-thirds of this century."[93] Its younger representatives were no longer hesitant to express opposition to liberal Judaism, including the separation of synagogue and state, "the hallmark of American Jewry."[94]

This activism found a new outlet in the energy and emotions that the 1961 trial of Nazi criminal Adolf Eichmann and Israel's 1967 war released among Jewish Americans. These were channeled into the establishment of pro-Israeli organizations and the reorganization of traditional Jewish-American institutions with greater emphasis on the Israeli dimension. Israel's victory also helped American Jews to finally begin the process of reckoning with the Holocaust. "Their psychologically empowering discovery . . . [that there would be] no annihilation of the Jews at this time, not in the face of superior Jewish armed forces" was so cathartic that they were finally able to confront this existential trauma. The diaspora's ability to embrace both the Holocaust and Israel was augmented by America's domestic developments as "Jews ceased to be a race apart, and became Americans—not as mere assimilationists but with vehement reference to Israel and to the Holocaust."[95] The fact that Israel grew more dependent on American support and became America's preeminent strategic ally in the Middle East after the Franco-Israeli alliance collapsed made Jewish Americans more important to the maintenance of Jewish existence in the homeland and gave them a strong and clear purpose around which to lobby

[90] See "Jewish-Americans Beyond the Pale," *The Economist*, 2 November 1991, 29.

[91] Jonathan D. Sarna and David G. Dalin, *Religion and State in the American Jewish Experience* (Notre Dame, IN: University of Notre Dame Press, 1997), 246.

[92] Stephen Warner, "Work in Progress toward a New Paradigm for the Sociological Study of Religion in the United States," *American Journal of Sociology* 98 (March 1993): 1067.

[93] Heilman, *Portrait of American Jews*, 146.

[94] Sarna and Dalin, *Religion and the American Jewish Experience*, 262.

[95] Paul Breines, "Deliver Us From Evil," *Washington Post Book World*, 4 February 2001. For a critical treatment of such Holocaust-related dynamics, see Peter Novick, *The Holocaust in American Life* (New York: Houghton Mifflin, 1999).

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and organize. They underwent "a kind of mass conversion to Zionism, and the United Jewish Appeal through Israel evolved into "America's Jewish religion."[96] The new role of Israel enabled Conservative and Reform Jewish Americans to find more secular alternatives to Orthodox categories of Judaism. For Reform Jews in particular, this was a significant departure from their earlier opposition to Zionism and part of their recognition that their fate as diaspora Jews was intimately and legitimately intertwined with that of the state of Israel. These developments also raised questions as to the political implications of their faith.

The 1967 war was also significant for ethnic relations within the United States. The war and its aftermath were major causes of a fundamental political and social realignment among groups that had previously fought as a united front in favor of civil rights and the general advancement of minorities. Many Jewish Americans distanced themselves from their previous partners in the desegregation movement and the American left. Israel-bashing, especially among radical black activists and the New Left, was generally perceived by Jewish Americans as a barely disguised form of anti-Semitism.[97] The shock of the 1973 Yom Kippur War heightened Jewish sensitivity to the continued insecurity of Jews. A significant and highly visible minority of Jewish Americans and Jewish organizations began to move rightward politically, a phenomenon that had been virtually unimaginable ten or twenty years before. One indication of the move rightward was the Jewish approach to the Jackson-Vanik Amendment, which linked the issue of trade with the Soviet Union to Soviet willingness to permit Jewish emigration and which ran counter to the spirit of détente. J. J. Goldberg wrote that "Jews became the poster children of a renewed Cold War."[98] The effort to free Soviet Jews gave American anticommunism "a new moral argument," and increased Jewish-American clout in U.S. foreign policy. This higher profile was enhanced by Jewish-American campaigns against the Arab economic boycott of Israel and against the anti-Zionist propaganda prevalent among Third World and communist countries, which culminated in the 1975 UN vote equating Zionism with racism.[99]

The new Diaspora-Israeli alliance pushed aside the Israeli demands for Jewish Americans to immigrate. The dilemma of Israel's democratic character and its contentious treatment of the Palestinian issue were minimized when safeguarding Israel's existence was at stake. From the late 1970s, however, with

[96] Menahem Kaufman, "Envisaging Israel: The Case of the United Jewish Appeal" in Allon Gal, ed., *Envisioning Israel: The Changing Ideals and Images of North American Jews* (Jerusalem: The Magness Press, 1996), 222.

[97] Paul Berman has written that "it was sometimes believed that Palestinian skin tone was darker than that of the Israeli Jews, as if in pigmental confirmation of the proposed new link between Palestinians and African-Americans." Paul Berman, "The Other and Almost the Same," *New Yorker*, 28 February 1994, 68.

[98] Goldberg, *Jewish Power*, 175.

[99] The Reform leader Albert Vorspan wrote that the UN's decision "made all Jews consider themselves Zionists." See Albert Vorspan, *Great Jewish Debates & Dilemmas: Jewish Perspectives on Moral Issues in Conflict in the Eighties* (New York: Union of American Hebrew Congregations, 1980), 19.

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the rise to power of the Likud party and the growing divisions within Israel regarding peace, diasporic political positions became more diverse. These divisions were encouraged by Israeli efforts to establish Jewish-American counterparts in the United States. "Friends of . . ." raised funds and lobbied to support their political agenda in Israel, in effect expanding their constituencies to include nonvoters in the diaspora. At this juncture liberal Jewish Americans established the New Israel Fund to promote a liberal agenda for Israeli politics and society. This organization represented an early departure from the traditional patterns of Jewish-American giving to the UJA toward nonstate institutional frameworks.[100]

Although the internal diasporic rift was largely kept quiet, it surfaced whenever the American government collided with Israel's Likud-led government. This was the case with the 1982 Reagan plan, more dramatically with the issue of loan guarantees under the Bush administration (1991/1992), and throughout this period with the controversial subject of settlements in the occupied territories. Yet, in situations where criticism of Israel was perceived by American Jews to come from sources traditionally or even categorically hostile to Israel or to Jews in general, American Jews were generally reluctant to voice criticism of Israeli policy, even when it conflicted with the widespread principles of Jewish Americans themselves. In an environment of broadly-based and harsh criticism by the United States, other governments, the media, and other institutions, most American Jewish spokespeople declined to give what they saw as aid and comfort to enemies of Jews and of Israel.[101] By the late 1980s, as the question of Israel's moral standing became increasingly disputed, many Jewish Americans felt that Israeli affairs might jeopardize their own standing in America. The 1985 Pollard affair, where a Jewish American was convicted of spying for Israel, was deeply disturbing to Jewish Americans. They were shocked to discover how Israel's actions could quickly expose them to the old charge of double loyalty. Israel's controversial relationship with South Africa's apartheid regime also increased the tensions between Israel and the diaspora, by exacerbating tensions between Jews and blacks in the United States.[102] With the first Palestinian intifada, the diversification and erosion of Jewish-American support for Israel became evident.[103]

[100] The Fund's revenue in the fiscal year 1998 was $19 million. See The 1998 New Israel Fund Annual Report, "The New Israel: Mosaic of Identities."

[101] Charles S. Liebman, "Israel in the Mind of American Jews" in Eliezer Don-Yehiya, ed., *Israel and Diaspora Jewry: Ideological and Political Perspectives* (Jerusalem: Bar-Ilan University Press, 1991), 34.

[102] According to one source, by the late 1980s, Israeli ties with South Africa had become the "most divisive issue in Black-Jewish relations" in the United States. See Yvonne D. Newsome, "International Issues and Domestic Ethnic Relations: African Americans, American Jews, and the Israel-South Africa Debate," *International Journal of Politics, Culture, and Society* 5 (1991): 39.

[103] For an extensive treatment of the widening gulf between Israeli and American Jews since the 1980s, see Rosenthal, *Irreconcilable Differences*.

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By 1990, the deep penetration of Israel into Jewish-American life and organizational structures raised concerns about Israeli meddling and manipulating in Jewish-American affairs.[104] From an Israeli foreign policy perspective, in 1990 it seemed that an "Israel-Centric perspective" in mobilizing the diaspora reached a dangerous level when the American Israel Public Affairs Committee (AIPAC) and other Jewish organizations felt so empowered that they began to adopt an independent foreign policy agenda in the Middle East.[105] Remarking on the Israeli government's pressure on American Jewry to stand behind the homeland, even against the U.S. government official position, David Vital has written that "Israel and its affairs tend to continuously rob [Jewish-Americans] of their long sought for and so very recently acquired peace of mind."[106]

## The Hopes and Doubts for Peace

The dismantling of the friend/foe pattern of the cold war was reflected in a blurring of similar boundaries in the Middle East and in changing Israel-Diaspora dynamics. The 1993 Oslo peace accords were welcomed by a majority of Jewish Americans, but with outright hostility among right-wing Jewish groups and Orthodox Jews in the United States.[107] After Oslo, many Jewish-American organizations began to ask what their source of political recruitment in the era of peace would be and what would compel them to remain Jews if the danger to Israel receded.[108] Some sounded the alarm that "the declining needs of Israel will contribute to the steady decline of Jewish giving, weakening American Jewish institutions and accelerating the rate of [Jewish] assimilation."[109] Other voices began admonishing the diaspora for making Judaism in the United States ephemeral due to its overwhelming concentration on the Jewish state. Arthur Hertzberg wrote that with peace in the Middle East, Israel would no longer remain Jewish Americans' "secular religion," and the diaspora must reshape its identity and institutions to meet domestic American challenges.[110]

Diaspora groups that opposed the peace process financed a public relations campaign against the accords, gave financial support to the Jewish settler move-

[104] By that time, a web of over seventy pro-Israel political action committees had been established which channeled $4.7 million to pro-Israel candidates during the 1987–88 election cycle. See Eizenstat, "Loving Israel," 93.

[105] Aaron S. Klieman, *Israel and The World After 40 Years* (Washington DC: Pergamon-Brassey's, 1990), 178.

[106] David Vital, *The Future of the Jews: A People at the Crossroads* (Cambridge, MA: Harvard University Press, 1990), 136.

[107] See "American Jewish Attitudes Toward Israel and the Peace Process" (poll conducted for the American Jewish Committee by Market Facts, Inc., 7–15 August 1995), 45 and 55.

[108] Amy Dockers Marcus, "Burden of Peace: American Jews Grapple With an Identity Crisis as Peril to Israel Ebbs," *Wall Street Journal*, 14 September 1994.

[109] Goldberg, *Jewish Power*, 359.

[110] Arthur Hertzberg, "Less Religious on Israeli Matters," *Ha'aretz* (Hebrew), 10 October 1993.

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ment, and established American affiliates of key right-wing Israeli parties to financially support their political campaign against Rabin and his Labor party successors, Shimon Peres and Ehud Barak.[111] The divergent positions on the Israeli-Palestinian peace process basically paralleled the rift between Jewish-American religious denominations. A 1995 public opinion survey revealed that while 77 percent of Reform and 74 percent of Conservative Jews supported the Rabin government's handling of the peace negotiations with the Arabs, 64 percent of Orthodox Jews opposed it. A large majority of the Orthodox also opposed the idea of dismantling any Jewish settlements in the West Bank.[112] When in 1995 right-wing diasporic groups attempted to forestall the peace process by encouraging the U.S. Congress to adopt initiatives that could undermine Israeli-Arab negotiations, Thomas Friedman described their actions as attempts to subvert the Israeli democratic process by Jewish-American groups that "could only thrive if they have an enemy, someone to fight. They have no positive vision to offer American Jews on the central question of American Jewish identity or the fate of Israel-Diaspora relations in this new era."[113] Certainly many internal divisions among the Orthodox and ultra-Orthodox forces over the questions of peace and the return of territory exist. Notwithstanding different emphases over the sanctity of land versus the urgency of peace, it is clear that rabbinical rulings in Israel and the diaspora on issues of Jewish security and sovereignty began to dominate these communities in contrast to their traditional preoccupation with core issues of Jewishness and religious practice.

By the year 2000, many Jewish-American Orthodox articulated disappointment with the pronounced secularist shift in Israeli society, which for them was reinforced by the widespread willingness to give up the West Bank and parts of East Jerusalem.[114] Even Modern Orthodox—who uphold halachic theology but also allow for Western-democratic norms and values in their daily life, and espouse the Zionist vision without its messianic elements—became disillusioned with the liberal post-Zionist reluctance to preserve the Jewishness of Israel. Norman Lamm, president of Yeshiva University and an important voice of modern Orthodoxy in the United States, drew a direct parallel between the "demographic and cultural catastrophe" brought on American Jewry by the "utterly lax" practices of Reform and (less so) Conservative Judaism; and the

[111] During negotiations between Israel and Syria, *haredi* and religious Zionists protested against Prime Minster Ehud Barak's intention to trade land for peace and chanted "traitor, go home!" Leaders of the Reform movement visited the Israeli Embassy and other consulates across America to show their support for the Israeli prime minister. See Caryle Murphy, "Reform Jewish Leaders Urge Support," *Washington Post*, 11 January 2000; Shlomo Shamir, "Reform Jews Try Rallying for Peace," *Ha'aretz*, 10 January 2000.

[112] See "American Jewish Attitudes Toward Israel and the Peace Process."

[113] Thomas L. Friedman, "Mischief Makers," *New York Times*, 5 April 1995.

[114] For many of them, "retaining the Greater Land of Israel under Jewish sovereignty, and settling the length and breadth of the land with Jewish settlers, supersedes every other religious obligation." Liebman, "Religion and Democracy in Israel," 281.

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deleterious impact of Israel's "post-Zionists" on Israel's loss of its Jewish character.[115]

Ironically, just at the time when modern Orthodoxy was losing the Israeli *Kulturkampf* to both post-Zionist secularists and the ultra-Orthodox, America seemed to embrace a Modern Orthodox candidate for the vice presidency. These developments promoted some Orthodox to contemplate building their future as a vibrant community inside the United States and become an "improved" brand of modern Jew on American soil, rather than direct their energies toward the biblical Homeland. Even more ironically, such rethinking came at a time when non-Orthodox Jewish Americans worked harder than ever before to expand their message into Israeli society.[116]

Throughout the peace process, leaders of the American-Jewish community acted as unofficial emissaries in the efforts to open new diplomatic channels to countries that had no diplomatic relations with Israel, to lift the Arab boycott, to reward Arab and Islamic states with normalized relations with the Jewish state, and to encourage others to do the same.[117] Reform and most Conservative Jews promoted a Palestinian-Israeli rapprochement, because they viewed the Israeli occupation of the West Bank and Gaza as belying the liberal political principles they championed in the United States and which, they argued, were the foundation of Israel's natural and close alliance with the United States. These movements saw the era of peace as an opportunity to disseminate their American views of a multifaceted Jewish identity inside Israel and to bring their vision of Jewish pluralism to the Israeli public, which is already eager for greater openness. Modern Orthodox, who consider religious imposition inside Israel as "ideologically dubious and pragmatically unwise," also began advocating a balance between civil and religious life in Israel based on the idea that the "ways of the Torah are ways of pleasantness and all its pathways are peace."[118] Yet, other Orthodox Jewish Americans began considering the old partnership with secular Zionism as defunct and have even begun to question the centrality of Israel to their Jewish theology. A minority began considering the prenationalist *haredi* approach.[119] All these views have strong resonance among the various streams of the Orthodox Union, the leading Orthodox organization in the United States. In 1996, the organization attempted to strengthen its own vision of Jewish identity in Israel by creating a branch of the American National Conference of Synagogue Youth, aimed at "combating the trends of

[115] See David Landau, "The Voice of Post-Tolerance" (*Kol Ha' Post-Metinut*) *Ha'aretz*, 17 October 1996 (Hebrew).

[116] In August 2000, the Conservative Movement decided to move its world headquarters to Jerusalem. *Jerusalem Post*, 18 August 2000.

[117] See Janine Zacharia, "The Unofficial Ambassadors of the Jewish State," *Jerusalem Post*, 2 April 2000.

[118] David Berger, "Reflections on the State of Religious Zionism," *Jewish Action* 60 (Fall 1999): 12–15.

[119] See Rebbi Yuval Cherlow, "The Images of Medinat Israel," *Jewish Action* 60 (Fall 1999): 15–18.

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Americanization, secularization and alienation." This organization also targeted semireligious youths and Russian immigrants in secular Israeli cities.[120]

## Returning to the Security Dilemma

By the year 2000, the Jewish *Kulturkampf*, both within and outside Israel, reshaped the relationship between Israel and the diaspora in several ways. First, the peace process and the widespread notion of increasing "normality" widened the gulf between Jewish universalists and Jewish particularists. As identities were pushed to the fore, the splits within Israel regarding the direction of peace negotiations helped to further divide the U.S.–Jewish community in terms of varying preferences for American policy in the region.[121] When in summer 2000, Prime Minister Barak negotiated with Palestinian leader Arafat at Camp David, Jewish-American leaders issued conflicting messages supporting and opposing the Israeli government's position. The issues that divided Israel became resonant within the diaspora, and a new symbiosis between diasporic organizations and domestic Israeli social and political formations solidified in a manner that served the Jewish identity interests of groups both inside and outside Israel. Conversely, many Israeli groups actively recruited Jewish allies in the diaspora to buttress their domestic political and social agendas and, consequently, pushed diaspora voices to the center of the Israeli *Kulturkampf* with particular emphasis on the question of religious pluralism. Another development was a growing assessment within the diaspora that Israel remained a very important factor for Jewish-American identity in the United States and that they have a vested interest in the evolution of the Israeli polity, which reflects their own world view on religious pluralism, security issues, and sociopolitical affairs. With the notion that "Israel is no longer waging an existential battle for its survival . . . against an external enemy," a 2000 Jewish Agency for Israel study chronicles the vast proliferation of largely diaspora-supported voluntary enterprises which have become so visible in the struggle to shape Israeli-Jewish identity.[122] In sum, the core of support for Israel remains, and there has not been a reduction of interest in Israeli affairs. On the contrary, a desire for reinvigoration and intensification of the Jewish American-Israeli relationship surfaced on both sides, albeit marked by a comprehensive transformation of kinship affinity.

The failure of the Oslo peace process and the waves of violence that ensued dramatically shifted the focus from Jewish identity back to existential security. To some extent reminiscent of the shock of the 1967 war, almost overnight both the internal and international Jewish *Kulturkampf* ceased as the community

[120] See "Our Second Century of Service," a special report of the Orthodox Union, January 2000, 84.

[121] For a detailed discussion of this phenomenon, see Jonathan Broder, "Netanyahu and American Jews," *World Policy Journal* 15 (Spring 1998): 89–98.

[122] "The Many Faces of Judaism in Israel: Mapping Jewish Unity Organizations," The Jewish Agency for Israel, December 2000, 3.

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reunified and recreated solidarity to face the new threat. When the Barak government appeared to be willing to compromise Jewish sovereignty in Jerusalem, some observers expressed their concern "that a hand-over of the Temple Mount and parts of Jerusalem threatens to undermine the Jewish identity of American Jews and tear away the already delicate fabric of their relationship with Israel."[123] Many in the diaspora became adamant that the Temple Mount was the inheritance of all Jews and must be discussed within the wider Jewish community rather than solely by the Israeli government. Their position was reinforced when Arafat made Jerusalem into a Muslim-Jewish battle. Malcolm Hoenlein, the executive vice-chairman of the Conference of Presidents and one of the most influential Jewish-American leaders, stated, "Israel has a right to make decisions that affect its security. All Jews have a right to discuss it, but it's up to the government of Israel. The Temple Mount is a different issue. It belongs to all Jews, it is the inheritance of all Jews, and all Jews have vested interests in it."[124] Even within the Conservative movement, there was vocal disagreement over the issue of Jerusalem, with American members refusing to accept the idea of their left-leaning counterparts in Israel that a compromise over the Temple Mount was only a political matter rather than a core religious-identity one.[125]

With Middle East violence rising, the urgent Israeli need for unity with the Jewish people at such a time of duress made the American diaspora an intimate partner in the articulation of the new challenges of Jewish identity and security. This new sense of Jewish unity was further magnified when Jews around the world closed ranks in the face of new manifestations of anti-Semitism, which were reaching levels not seen since the end of World War II, and renewed attempts to equate Zionism with racism at the UN conference on racism in Durban in 2001. As one diaspora observer said, "Jews can call themselves liberal, conservative, Reconstructionist, Reform, it doesn't matter. When Israel is in danger, a different alarm system goes off."[126] When the newly-elected Prime Minister Ariel Sharon appeared before AIPAC in March 2001, he announced that he considered himself "first and foremost as a Jew" and that he saw himself as having been given a mandate to unify not only Israel but "Jews worldwide." In what sounds like a dramatic departure from Ben Gurion's Israel centrism and the overarching Zionist vision that those who do not fight here should not have a voice on Israeli security matters, he declared that "the future of Israel is not just a matter of Israelis who live there. Israel belongs to the entire Jewish people. And Israel would not be what it is today if it were not for the efforts of all Jews worldwide."[127]

[123] Tamar Hausman, "Sacrifice of Temple Mt. 'Risks Ties to U.S. Jews,'" *Ha'aretz*, 5 January 2001.

[124] Cited in *Jerusalem Report*, 28 August 2000, 56.

[125] See Gail Lichtman, "Mounting Temple Controversy," *The Jerusalem Post Magazine*, 26 January 2001, 10–13.

[126] Hank Scheinkopf, quoted in Rachel Donadio, "GOP Woos Arabs and Hawks; Dems on Mideast Defensive," *Ha'aretz*, 26 October 2000.

[127] Sharon's speech, delivered on 19 March 2001, may be found on www.aipac.org.

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At this juncture, renewed Jewish solidarity heightened issues concerning the costs of kinship loyalty. Visits to Israel at times of duress and terrorism were presented to the diaspora as litmus tests of their Jewish loyalty. Combined with the legacy of the Israeli *Kulturkampf*, the new dilemmas of loyalty created some paradoxical situations when ultra-Orthodox anti-Zionists attempted to capitalize on the hesitance of American Reform Jews to visit the threatened homeland by using Zionist rhetoric of loyalty to the Israeli state, in which the ultra-Orthodox refuse military service.

The events of September 11, 2001 and the emergence of violent terrorist threats on U.S. soil brought the security dilemma home to American Jews and made the American-Israeli nexus of Jewish security closer than ever before. Widespread Arab/Muslim defamation of Jews as perpetrators behind the attacks further amplified this new sense of threat and solidarity.[128] Even younger, highly assimilated American Jews were awakened to the reemergence of the Jewish security dilemma and to the subtle interconnections between anti-Americanism and anti-Semitism. One young Jewish-American writer, who was suddenly reminded of his own father's flight from Nazism, recently wrote in the *New York Times Magazine*: "Arab governments have transformed Israel into an outpost of malevolent world Jewry, viewing Israelis and Jews as interchangeable emblems of cosmic evil."[129] In this time of peril, the debates over identity were once again trumped by Jewish existential questions.

## Conclusion

Just a few days before the eruption of the second intifada, when newly elected Israeli President Moshe Katzav spoke before a large gathering of Jewish educators from Israel and the diaspora, he announced that Jewish education and identity outside Israel "could at best last two or three generations." These words angered Jewish-American leaders, who decried his ignorance about Jewish diasporic life; even Israeli commentators attacked the president for his "foolish outbursts." The New York-based Jewish weekly, *Forward*, wrote in a lead editorial that Katzav's speech was scandalous. When pressured by the media, the president amended his statement and declared that he believed that diaspora Jews "have the right to live abroad." A leading Israeli journalist observed that "what the Jews of the Diaspora were willing to hear (even as they clenched their teeth) from someone like [Israel's founding prime minister David] Ben-Gurion 40 years ago, they are not prepared to put up with from some-

[128] "A survey conducted by *Forward* found that 75 percent of American Jews felt more threatened than they did prior to September 11 and half of these Jews cited their Jewishness as the reason for their increased fear. Cited in Eliahu Salpeter, "World Jewry and the War against Global Terrorism," *Ha'aretz*, 7 November 2001.

[129] Jonathan Rosen, "The Uncomfortable Question of Anti-Semitism," *New York Times Magazine*, 4 November 2001, 48.

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one like President Katzav."[130] When security once again thrust itself to the center of Jewish concern, the Israeli leaders' attitudes changed dramatically.[131] Sallai Meridor, the head of the Jewish Agency for Israel and the World Zionist organization, announced that "Jewish solidarity with Israel contributes greatly to the sense of security of Israelis. Israel's deterrence in the eyes of the Arab world is enhanced when Jewish Americans present a unified front behind her."[132]

The question of Jewish identity inside and outside Israel took on a completely different dimension in the face of indiscriminate daily terror. The bitter *Kulturkampf* fell by the wayside as an overriding sense of existential threat that crossed all Jewish divides emerged. Following an attack on an ultra-Orthodox neighborhood by a Palestinian suicide bomber, prominent Israeli journalist, Nahum Barnea, wrote: "The terror does not distinguish between Zionists and ultra-Orthodox, between those who have served in the army and black-clad yeshiva students, between man and woman, between adult and child. Israelis stand as equals before it. This brutal equality does not erase the causes of the secular-ultra Orthodox struggle, but it obliges both sides to reduce their tones."[133] The sense of urgency to recreate Jewish solidarity permeated all main streams of Judaism, even in the face of the watershed decision of the High Court of Justice regarding the registration of all converts as Jews. By the year 2002, religious and political divisions between doves and hawks in Israel and the diaspora were tempered by the crisis in the Middle East. When in March 2002, Rabbi Eric Yoffie, head of the Reform Movement in America, convened the annual meeting of the Reform leadership in the war zone of Jerusalem, he addressed Knesset members, stating: "This is a time of crisis, a time of terror attacks, a time for unity. This is not the time for a religious crisis over conversion. People are getting killed because of the security situation, not the religious situation."[134]

As we have seen, the very notion of a cohesive transnational community is complicated, since in international affairs a state can in practice represent only the people living within its boundaries. But in reality, neither the diaspora nor the homeland community, both of which are internally divided, dominates in constituting and communicating the kinship interest. In fact, a certain degree of flexibility can be preserved because of the distance between the homeland

[130] Eliahu Salpeter, "Unfortunate Utterances on the Diaspora," *Ha'aretz Daily—English Internet Edition* (op-ed), 20 September 2000. Also see Gil Hoffman, "Katzav tells Post: More Cash needed for Western Aliya," *Jerusalem Post*, 15 September 2000.

[131] See Yossi Shain and Barry Bristman, "The Jewish Security Dilemma," *Orbis* 46 (Winter 2002): 47–71.

[132] These comments were made at "The Herzliya Conference on the Balance of National Strength and Security: 2000 Conference Protocol," Institute of Policy and Strategy, Interdisciplinary Center, Herzliya, 19–21 December 2000.

[133] *Yediot Ahronot*, 3 March 2002.

[134] *Ha'aretz*, 12 March 2002. For similar statements by leaders of the Orthodox in America, see Alan Cooperman, "Orthodox Jews in U.S. Quiet on Israeli Conversion Ruling," *Washington Post*, 24 February 2002.

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and the diaspora; each can to a degree put its own spin on the national narrative and live out its shared identity in its own way. The degree to which the one influences the other is related to the kin community's collective history, its members' core identity, and the relative strength that the homeland and the diaspora can exercise vis-à-vis one another through monetary flows, cultural and religious productions, community leadership, or political clout in the international arena. To be sure, the power of diasporas and their perceived influence in the international arena may be amplified by the weakness of the homeland's government and by their own capacities as independent actors. The role of American Jewry in world affairs is enlarged by uncertainty and instability in the Israeli political arena and by the Israeli government's international constraints. Moreover, the diaspora's influence extends beyond the reputation merited by its accomplishments. It encompasses the psychological factor of the notion, current in many parts of the world, of overwhelming "Jewish power" in the United States on the one hand, and the renewed sense of vulnerability on the other. Altogether, sufficient areas of overlap exist between kin communities in the homeland and the diaspora despite differences of emphasis in local identity and in the overall communal self-understanding. For years, this was the case in the vibrancy and pride of American Judaism, whereas the traditional Zionist-Israeli version of the Jewish collective identity insisted that only in the Jewish state can Judaism survive. Now, even these distinctive visions are starting to be reconsidered.

From the background of the changes that this article has analyzed—the events since the year 2000 that prompted the switch from the Jewish *Kulturkampf* to Jewish security—we have witnessed a new kinship vision emerging. This vision seems to affirm the old American Zionist formula in which the Jewish American community is not to be subsumed into or subordinated to the Israeli homeland, but it will live side by side with it in an intense mutual interaction and symbiosis encompassing many aspects of Jewish, Israeli, and American life. As early as 1914, when future Supreme Court Justice Louis Brandeis assumed leadership of the American Zionist organization, he said: "To be good Americans, we must be better Jews, and to be better Jews we must become Zionists."[135] Whereas previously Israeli Zionism demanded a privileged Israeli voice in defining Jewish interests and identity, now, not only does the diaspora largely determine its own way of life in America, but it has also demanded and gradually gained a voice in Israeli Jewish affairs. This new Zionist vision of reciprocity strengthens both pillars of world Jewry today in America and Israel, while simultaneously encouraging kinship solidarity. Thus, against the thesis regarding the growing separation between Israel and the diaspora, one sees a new affirmation, intensification, and redefinition of Jewish kinship.

My analysis of how Jews continue to negotiate their identities in transnational ways has implications beyond this case study. Nowadays, when techno-

[135] Cited in Robert A. Burt, "On the Bench: The Jewish Justices" in Maisel and Forman, eds., *Jews in American Politics*, 69.

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logical innovation and greater tolerance in "hostlands" remove the spatial and temporal barriers that once separated diasporas from their countries of origin, kinship ties across frontiers are an inevitable feature of international relations, with important impacts on the construction and reconstruction of national identities and policies. The evolving relations between Israel and Jewish Americans shed light on the manner in which other diasporas, primarily in the United States, can participate directly and indirectly in shaping national policies and identities in international relations.*

* Versions of this article were presented as the Goldman lecture at Georgetown University in 2000 and 2001. The author thanks Ronnie Barth, Eric Langenbacher, Stephen Wayne, and Tamara Wittes for their helpful comments.

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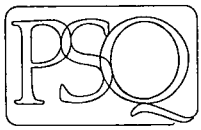

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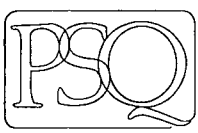

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# Book Reviews

**Defending America: The Case for Limited National Missile Defense** *by James M. Lindsay and Michael E. O'Hanlon. Washington, The Brookings Institution Press, 2001. 258 pp. $24.95.*

This book advances the debate over national missile defense. The authors report accurately the incessantly stated rationale for a national missile defense (NMD): to defend against a few long-range missiles launched by a rogue state or against limited strike from any quarter, including accidental, unauthorized, or inadvertent launch from Russia or China. They indicate the casualties from a hypothetical missile attack on Los Angeles—five dead from one ton of high explosives, 200-3,000 dead from 300 kg of sarin chemical weapon, 20,000–80,000 dead from 30 kg of anthrax spore, and 40,000 dead from a 20-kiloton (Nagasaki-yield) nuclear explosion. They discuss schedule, cost, and potential effectiveness of the Clinton-Bush midcourse intercept system, which must identify and destroy warheads in the vacuum of space. They discuss two principal countermeasures—dividing an anthrax payload into dozens of bomblets released from the missile as soon as it reached full speed; or placing a nuclear warhead in an aluminum-foil-covered spherical balloon, accompanied by a dozen or more empty balloons. The bomblets would be too numerous for intercept, and the balloons are proposed without test to be indistinguishable by the proposed system.

Without enthusiasm, the authors opt for a system to intercept rogue-nation missiles in boost phase (while they are still burning), which would defeat both bomblet and decoy threats. Even if both anthrax and nuclear weapons did function, they would likely do so in a region of population density only 1 percent of that in the intended target area. It is no small matter to devalue an opponent's missile force by a factor hundred. The authors propose to deploy initially ". . . just 25–50 boost-phase interceptors, and perhaps another 25 exoatmospheric interceptors as part of a second tier in the United States" (p. 150). Sensibly, they propose to deploy the midcourse interceptor system in North Dakota, rather than the Clinton-Bush administration favored Alaska site.

With these choices, the authors argue that such a system could well be accommodated by Russia under the U.S.–Soviet 1972 ABM Treaty, which on its face bans a "defense of the national territory" against strategic ballistic missiles. And



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it would deter not only the launch, but also the construction of rogue-nation ICBMs. The terrestrial boost-phase interceptors could not function at all against Chinese or Russian ICBMs, and those nations are estimated by the government's published National Intelligence Estimate to have effective countermeasures so that the midcourse system would not work either.

The authors judge that "Russia's refusal to renegotiate the ABM Treaty reflects the fact that thus far the United States has not given it a reason to agree" (p. 120). Key political supporters of the Bush administration had as a primary goal the elimination of the ABM Treaty, in preference to a treaty-compliant NMD system, even if it would be effective. They have achieved their goal, with the President's announcement in December 2001 giving the required six-month notice of ending U.S. adherence to the ABM Treaty.

The authors' recommended small deployment for a boost-phase interceptors and 20-25 midcourse interceptors makes political sense. It faces, however, twin perils—that it will lull the political leadership into a false belief that it provides real protection; and that once begun, it will be an enormous sink of funds better spent in conquering more serious threats to U.S. security. The principal downside of the midcourse system is that it will result in China's expansion of its current twenty-some ICBM force to a level of 200 or so, greatly increasing the peril to the U.S. homeland.

The reader will learn much from this book, with its helpful compendium of treaty texts, threat assessments, and the like.

RICHARD L. GARWIN
*Council on Foreign Relations*

**Hit to Kill: The New Battle Over Shielding America From Missile Attack** *by Bradley Graham. New York, Public Affairs, 2001. 414 pp. Cloth, $27.50; paper, $26.00.*

Although many public policy issues are controversial, few are approached with the religious intensity of the debate over national missile defense (NMD). Missile defense proponents believe that it is both irrational and immoral to permit the United States to remain vulnerable to a missile attack from so-called rogue states. They note that deterrence may fail, especially when confronting the homicidal, maniacal, or suicidal regimes that are acquiring or are attempting to acquire nuclear, chemical, or biological weapons and long-range ballistic missiles. Given the strategic and technical opportunities that have emerged in the aftermath of the cold war, proponents note that defenses are a logical response to a changing threat environment. Opponents argue that missile defenses would undermine arms control by destroying its cornerstone, the 1972 Anti-Ballistic Missile Treaty. They also contend that NMD would undermine nonproliferation efforts by demonstrating to friend and foe alike that the United

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States is preparing to live with, not roll back, the spread of nuclear weapons. Opponents often claim that a U.S. national missile defense program is likely to be both an expensive technical failure and a political disaster that antagonizes important allies and energizes potential foes.

The September 11 terrorist attacks against the World Trade Center and the Pentagon broke the log jam in the NMD debate. In December 2001, the Bush administration announced its intention to withdraw from the ABM Treaty, setting the stage for a new chapter in the story of the U.S. effort to construct missile defenses. But as Bradley Graham notes in this outstanding study of the personalities, events, technologies, and politics that fueled the NMD debate, the treaty's days were numbered by the late 1990s. *Hit to Kill* offers a fascinating and even-handed account of the forces that drove a reluctant Clinton administration to prepare to field a missile defense system.

According to Graham, many members of the Clinton administration realized that the ABM Treaty had been overtaken by strategic events. Yet, as staunch arms control advocates, they could not bear to abandon the treaty. Many in the administration also hoped that some sort of miracle—a technical failure, a diplomatic windfall, or a significant shift in the domestic political constellation favoring defenses—would allow them to delay construction of an X-band radar in Shemya, Alaska, the "long pole" in the NMD tent that would be the first (literally) concrete violation of the ABM Treaty. When a ten-year old part on a surplus Minuteman booster failed during a July 2001 test of the interceptor, the administration was provided with enough justification to leave the deployment decision to the next administration.

Graham does a fine job of weaving both technical and political issues into this balanced account of the NMD debate. By describing the workings of government and the influence of unresolved issues that give life to public policy, his work follows in the footsteps of other classic studies of the arms control and defense procurement processes; John Newhouses's study of the Strategic Arms Limitation Talks, *Cold Dawn*, comes to mind. Although parts of *Hit to Kill* are bound to make both staunch supporters and opponents of NMD cringe, Graham sheds light on the often hidden ways that governments undertake a gradual yet fundamental shift in policy. He illustrates the interagency process at work as senior officials struggle to come to terms with uncertain threats and unperfected technologies. To a fault, Graham is true to the issues and events he describes. One is left to wonder not only what he really thought of the entire NMD issue, but also about the way the Clinton administration began to confront the possibility that there might be real threats to national security lurking over the horizon.

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**The Phantom Defense: America's Pursuit of the Star Wars Illusion** *by Craig Eisendrath, Melvin A. Goodman, and Gerald E. Marsh. Westport, CT, Praeger, 2001. 216 pp. $25.95.*

This volume provides a comprehensive domestic-political, geopolitical, and technological assessment of the merits of National Missile Defense (NMD). The authors do a good job of explaining the inertia that is seemingly pushing the system to deployment under the current Republican administration.

Part one of the book takes the reader through the preceding Sentinel and Safeguard programs and the developments that led to their termination, the domestic-political forces at play in pushing the current program, and attempts a contrast of the unilateralist versus multilateralist perspectives that underlie the pro- and anti-NMD camps. Part two argues convincingly that the ballistic missile threat, much like the bomber and missile gaps, is exaggerated by domestic interests. This is followed by a persuasive chapter on the technical obstacles to a working NMD. Part three describes the likely blowback from NMD on geopolitical stability and arms control.

The book maintains a common thread in its reliance on Paul Nitze's criteria that NMD be militarily effective, survivable, and cost-effective on the margin, such ". . . that it should be cheaper to add to the defense system than it is for an adversary to add to its offensive weapons" (p. 16). The authors argue convincingly that the current technology cannot sustain the political vision, and that cities and bases cannot be protected by NMD against even a small-scale attack employing last-generation countermeasures.

While the volume is noteworthy for its multifaceted treatment of NMD, it suffers from three shortcomings that can be attributed to a lack of conceptual development. These are weak treatments of geopolitics, arms control, and unilateralism. First, the authors assume, without much analysis extending beyond citations of threatening public statements, that NMD will provoke an aggressive Russian and Chinese counter-deployment (increase in offensive strategic arsenals including MIRVing). Their implicit assumption of the security dilemma and its spiraled link to arms races is laudable, but they ignore the equally beneficial policy to the United States and its allies of general and extended deterrence. A strong United States would not only discourage competition if its military lead were sufficient enough, but preserve stability by discouraging near-proliferants such as South Korea and Taiwan from having to engage in nuclear self-help to ensure their security. Consequently, the policy recommendations seem to court deterrence failure by providing opportunities for revisionist states to challenge the United States and its allies.

This leads, second, to their expectation that because Russia, North Korea, and China have threatened to derail the global arms control architecture, abrogation of the ABM Treaty would necessarily lead to a string of arms control failures (of the NPT, START, for example), which would lead to increased proliferation and global instability. However, the authors do not address or con-

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sider the prevailing social scientific findings of the benefits and pitfalls of arms control (for example, Vally Koubi, Richard Betts, Colin Gray). Third, the authors exaggerate the historical isolationist compulsions toward unilateralism and underrate the current structural incentives to get free of the inertia of old arrangements to renegotiate for a distributionally fair quid pro quo. The authors' false assumption that military bureaucracies are averse to diplomacy stands in the face of the success of the Navy in negotiating the Military Maritime Consultative Agreement with China.

The book's principle strength is its integration, which makes it readily accessible to the policy maker and the general, even academic, reader. Another strength of the book is its fair representation of the pro-NMD agenda. Its best-developed point is its argument for a scandal school perspective of the role of the military-industrial complex in the NMD policy arena.

JULIAN SCHOFIELD
*Concordia University*

**Rockets' Red Glare: Missile Defenses and the Future of World Politics**
*edited by James J. Wirtz and Jeffrey A. Larsen. Boulder, CO, Westview Press, 2001. 352 pp. $28.50.*

What are the implications of the United States abandoning the 1972 ABM Treaty and moving forward on a National Missile Defense (NMD) program? This remains a question with significant implications for long-term American security. Yet it is a question that has received strikingly little systematic analysis. James J. Wirtz and Jeffrey A. Larsen seek to rectify this shortcoming with *Rockets' Red Glare: Missile Defenses and the Future of World Politics.*

The volume begins with an analytical framework chapter by James J. Wirtz, who presents the working assumption of the volume: some form of NMD will be deployed. Wirtz further suggests, appropriately so, that to understand the consequences of NMD we need to understand the various types of NMD systems that might be deployed. Given that we do not know what type of system will be deployed, he asks contributors to consider the implications of three types of systems: a limited system, a moderate system, and an unlimited system. This conceptualization seems to set the stage for a welcome contribution to the literature and public debate on NMD.

Unfortunately, the volume quickly slips back into the predictable patterns of analysis of NMD. The volume begins by examining whether or not the ABM regime has outlived its usefulness. The clear thesis in this section (and the working assumption throughout the book) is that the ABM Treaty's time has passed. The first chapter by Kerry M. Kartchner is a nice overview of the major issues and debates surrounding the development of the treaty and is one of the few real strengths of the book. Robert Joseph's chapter, however, on the changing

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political-military environment superficially restates the findings of the 1998 Rumsfeld Commission report that the United States is under greater threat from ballistic missiles than ever. Unfortunately, this chapter presents no new or insightful empirical analysis and reads as a highly charged partisan defense of Reagan's Star Wars program. In the end, the first section simply asserts rather than demonstrates that the ABM treaty is outdated.

The section examining the regional responses to NMD offers both the greatest prospects and the greatest disappointment of the volume. The volume includes chapters ranging from China, Russia, South Asia, and America's allies. As one would imagine, the authors conclude that Russia and China will be uncomfortable with any scenario, but ultimately the impact of a limited system would be significantly less than the impact of a moderate or unlimited system. Bradley Roberts provides the strongest chapter in the book by examining China's strategic modernization program and China's concern about the Russian reaction to the U.S. NMD. This section ultimately, however, leaves the reader a bit uneasy. Most of the analyses from the various regions are taken from public statements and press accounts and read more like broadcast political commentary and punditry rather than systemic analyses of regional perspectives.

In the end, this book falls short in its pledge to critically examine the debates concerning NMD. It is disjointed; some chapters are insightful while others rehash current punditry. The biggest questions associated with NMD still have not been sufficiently addressed: Will NMD improve American security, and how will it affect the future of world politics?

JON WESTERN
*Mount Holyoke College*

**Putting "Defense" Back into U.S. Defense Policy: Rethinking U.S. Security in the Post-Cold War World** *by Ivan Eland. Westport, Praeger Publishers, 2001. 242 pp. $40.00.*

The debate over developing a coherent strategy to guide the United States in the post-cold war world has swirled with near constancy since the Soviet Union dissolved and the Berlin Wall came tumbling down. One can argue that the attacks of September 11 notwithstanding, the country is still searching for a meaningful set of assumptions—a security paradigm—that can allow us to make sense of a discombobulated international environment in which many of the old rules do not apply. The absence of a coherent paradigm, therefore, makes it difficult to develop what one might think of as a rationalized national security strategy in which threats to the nation are clearly linked to strategy, force structure, and resources.

The September 11 attacks altered the international landscape for the United States and prompted the Bush administration to articulate a new set of assump-

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tions to help guide the nation's national security strategy, which include: combating terrorism wherever it exists using force if necessary; making support for the war on terrorism a litmus test for U.S. bilateral relationships; and preventing terrorist groups and rogue regimes from gaining access to weapons of mass destruction. These assumptions have been forcefully and energetically shoehorned into U.S. national security strategy and its supporting planning and budgeting documents.

While Ivan Eland's *Putting "Defense" Back into U.S. Defense Policy*, (written before the September 11 attacks) clearly and presciently identifies the threat of terrorist attack on the continental United States as a primary threat to the nation, one suspects that Eland would argue that the central premise of his book remains valid: national security strategy "has little relationship to the geostrategic environment facing the United States" (p. 1). Eland, director of defense policy studies at the Cato Institute, sets forth a compelling and well-researched case to support his argument, anchored by the principles of Cato's libertarian roots.

Eland's book constructs a national security strategy that ties the geostrategic environment to the nation's plans, policies, and resources. A number of assumptions drive his analysis. First, the United States faces no obvious external threats and hence does not need a military (and a $350-odd billion defense budget) that is engaged around the world unnecessarily involving the U.S. in world affairs. Second, the nation's vital interests should be more narrowly scoped to include protecting the homeland from conventional and terrorist attack, preventing the emergence of threatening regional hegemons, preventing the interdiction of sea-borne commerce, and preventing interference with the use of space for commercial and military purposes. Third, the United States should withdraw from expensive and counterproductive forward deployments in the Persian Gulf and South Korea. Finally, it should adopt a "balancer of last-resort" security strategy that calls for conventional military intervention when "regional hegemons" threaten to seize power.

Eland proposes a $184 billion defense budget and program to carry out this new strategy, noting that such a paltry figure (by U.S. standards) still represents nearly double the combined spending of the two main rivals—Russia and China. Such draconian cuts would reduce Navy carrier battle groups from twelve to six (four active/two reserve), cut active Army forces to two heavy and two mechanized infantry divisions, reduce the Marine Corps to one active and one reserve division, and retain five active and nine reserve Air Force wings. Spared from Eland's budget knife are research and development programs for missile defense, precision guided munitions, lighter ground combat systems, C3I systems, and programs to help defend against chemical and biological weapons.

The main value of Eland's work is its critical and dispassionate treatment of assumptions that have driven national security strategy since the beginning of the cold war—assumptions that *should* be addressed by all those seriously interested in the issue. As Eland forcefully notes, why, for example, should the

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United States defend one of the world's wealthiest nations (South Korea), which arguably has no inherent "strategic" value to the United States? The answer to this and other questions, of course, is that that strategy results from myriad forces, not all of which flow directly from protecting the nation's vital interests. History, politics, bureaucratic imperatives, international events, and budgetary realities are all inextricably intertwined in the process of developing and executing national security strategy. This is a process that unfortunately bears only tangential relationship to Eland's proposal that the process be neatly tied together in a succinct, logical construct.

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*Monterey, CA*

**Digital Diplomacy: U.S. Foreign Policy in the Information Age** *by Wilson Dizard, Jr. Westport, CT, Praeger Publishers, 2001. 215 pp. Cloth, $69.95; paper, $24.95.*

The specter of information war is but one of the many challenges facing foreign policy makers as information and communication technologies transform international relations. The Pentagon's recently announced disinformation strategy reflects the newly perceived importance of achieving information superiority over the enemy. The global span of vital computer networks exceeds the control of any one authority, thereby upending national security policy. Private companies, who control much of this critical infrastructure, must be enlisted to secure national borders against the viruses, worms, and "logic bombs" that threaten to cripple critical systems.

*Digital Diplomacy* looks at many of the key issues relating to information technology and foreign policy. It surveys watershed events that have transformed technology policy over the last century from purely trade into a foreign policy issue. But as a survey, the book still falls short by failing to examine crucial areas of current debate or to analyze events critically.

Wilson Dizard argues that communication technology from the telegraph to the Internet has changed the business of diplomacy in two ways: information gathering within the State Department and among diplomatic actors, and the political and security agenda of foreign affairs. *Digital Diplomacy* looks at international coordination of global communication-satellite policy, disputes over transborder telecommunications spectrum sharing, the challenge to national sovereignty posed by satellite direct broadcasting technologies, opportunities created by telecommunications liberalization, and the emergence of electronic trading (e-commerce). Dizard's historical overview would be improved by attention to events of more recent significance, such as the U.S.–European pri-

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vacy wars, the international debate over encryption, cybercrime, and information warfare. He also ignores recent wrangling over telecommunications standard-setting for next-generation wireless technologies and gives short shrift to the negotiation over international instruments for intellectual property protection.

Written prior to September 11, the book accurately portrays the policy community's earlier inattention to technology's challenges. Dizard's description of two trends holds true. First, technology continues to present new challenges to the way that diplomacy is conducted. For example, computer databases enable the collecting and sharing of vast quantities of information, while upgraded networks facilitate instantaneous communication with and within the State Department. Simulation programs alter the science of war. Having described how new technologies are changing diplomacy, Dizard stops short of suggesting how they ought to be brought to bear.

Second, he points out, the economic dominance of multinational media companies shifts the balance of power in foreign policy making to forge "a very different relationship between government and private interests, one whose eventual form is still to be defined" (p. 13). The conclusion Dizard draws is that this is to the good, because it drives a policy of free trade and "open information flow" (p. 79).

Dizard characterizes European privacy regulations, for example, as merely protectionist measures. But the situation is more complex than the way he portrays it. He does not mention that Europeans have traditionally protected information privacy as a human right. His analysis of the impact on international relations would be more convincing if, for example, he grappled with such facts as Rupert Murdoch's willingness to drop carriage of the BBC to gain access to the Chinese satellite television market. He does not look critically at the consequences of the power shift from public to private. Nor does he discuss the security implications of the fact that America's critical infrastructure rests mostly in private hands.

The events of fall 2001 have heightened awareness of the security challenges posed by modern technologies and demonstrated Wilson Dizard's exhortations to be on the mark. What we need now is a more nuanced guide to show us how to move forward and identify the new paradigms for diplomacy in a privatized yet networked world.

BETH SIMONE NOVECK
*Yale Law School*

**Strategic Warfare in Cyberspace** *by Gregory J. Rattray. Cambridge, MA, MIT Press, 2001. 517 pp. $49.95.*

What is "strategic warfare?" Will it migrate to cyberspace? These are the fundamental questions that Greg Rattray explores in this very thoroughly re-

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searched study. His answers are both insightful and vexing, as he describes the U.S. military's great fascination with modes of strategic attack (that is, the ability to strike directly at an adversary's homeland), but also with the organizational pathologies that virtually guarantee the dogmatic pursuit of wrongheaded ideas. His detailed study of the missionary zeal of American advocates of strategic bombing before and during World War II is unflinching in its depiction of their innovative but woefully misguided concept of unescorted daylight bombing. It seems that Rattray is worried about the possibility that we may yet again be flying in intellectual "close formation" when it comes to warfare in cyberspace.

With regard to digital-based attack, Rattray marshals convincing evidence that electronic disruption can indeed impose large costs upon American society, with very little need for physical destruction. What is most chilling is the seeming ease with which so much disruption might be done to our telecommunications, transportation, and energy infrastructures via worms, viruses, and simple but well-tooled denial-of-service attacks. Almost as alarming is that national policy to confront this threat lurched awkwardly during the 1990s from laissez-faire notions of private sector security initiatives to Canute-like government efforts to prevent the diffusion of strong encryption that would substantially mitigate cyberthreats. To use Rattray's term, U.S. cybersecurity policy was "schizophrenic."

If this book falters at all, it is in the vague policy recommendations with which it concludes. We are exhorted, basically, to know the enemy, to reduce our vulnerabilities, and to learn from the past. Rattray fails to engage or follow up on such key issues as whether to shift government policy on encryption away from its obstructionist roots to something like open advocacy. Multilateral policy issues also fail to make an appearance, as Rattray quickly writes off any chances for successful cyber arms control, reasoning that the technologies in question simply can't be controlled. While that may be true, it may still be possible to pursue behavior-based arms control agreements, such as a no-first-use policy toward cyberattack. This kind of arms control has worked in other areas where the technology simply can't be controlled (for example, the Chemical Weapons Convention). In this realm, the example set by the United States may prove crucial.

That said, there is a world of thought about both strategic warfare and cyber attack out there, though you might not know it from this book. Rattray focuses intensely on the American experience, from the rise of air power to the information age, but unduly avoids the many interesting insights that others' experiences might provide. For example, his focus on the offense-dominant concepts of the Army Air Corps in the interwar period takes no notice of developments in Britain, where a much more balanced set of offensive and defensive capabilities was under simultaneous development. The British case seems more relevant to the current American situation, where both offense and defense are receiving a great amount of attention.

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Finally, it would have been useful for Rattray to ponder more fully the new threats that may be posed if terrorists decide to embrace strategic warfare in cyberspace. Barriers to entry for engaging in this mode of warfare are quite low and the potential payoffs are high. There is no need for physical havens, and operations can use the victims' own infrastructures. Thus, even as we worry about terrorists wanting weapons of mass destruction, we must keep a weather eye on their potential for cyber-based mass disruption.

JOHN ARQUILLA
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**The Tragedy of Great Power Politics** *by John J. Mearsheimer. New York, W.W. Norton & Company, 2001. 448 pp. $27.95.*

John Mearsheimer has written the most important realist work of the post-cold war era. It is a worthy successor to the great contributions by E. H. Carr (*The Twenty Years' Crisis*), Hans Morgenthau (*Politics Among Nations*), and Kenneth Waltz (*Theory of International Politics*). Moreover, though published just weeks before the September 11 attacks, his work provides a cautionary warning about many of the optimistic approaches to international politics (liberalism, international institutions, democratic peace, constructivism, etc.) that foresee a more peaceful twenty-first-century world. The word "Tragedy" in the title of this work expresses a sober judgment: "The sad fact is that international politics has always been a ruthless and dangerous business and is likely to remain that way" (p. 2).

Mearsheimer offers a general theory of international politics as a tool for understanding the past and anticipating the future. His theory, based on the concept of offensive realism, holds that "the structure of the international system forces states which seek only to be secure nonetheless to act aggressively toward each other" (p. 3). His explanation for why great powers pursue power and strive for hegemony rests on five "bedrock" assumptions (pp. 30–31). First, the international system is anarchic, in that there is no government of governments. He observes tellingly elsewhere, ". . . because there is no higher authority to come to their rescue when they dial 911, states cannot depend on others for their own security" (p. 33). Second, great powers possess some offensive military capability, which enables them to hurt and possibly destroy each other. Third, states can never be certain about the intentions of other states. Fourth, the primary goal of great powers is survival. Finally, great powers are rational actors.

In laying out the key components of his theory, Mearsheimer classifies the great powers, measures their relative power, and tests his theory against the major historical cases of great power competition and war from 1792 to 1990.

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In doing so, he identifies the conditions that make great power conflict more or less likely and concludes that bipolar systems are the most stable, and that multipolar systems containing potentially hegemonic states are the most dangerous. In a richly developed set of chapters, he makes important contributions to our understanding about why great powers sometimes can avoid war for substantial periods of time (for example, 1816–1852 and 1871–1913) because of a preference, where possible, for "buck-passing" and because of the attributes of countries (especially the United States and United Kingdom), which have acted as off-shore balancers.

In what is bound to be both a seminal and controversial work, the author writes with admirable clarity in defining his terms and acknowledging the simplifying assumptions that are required by efforts to theorize at this level. Because offensive realism assumes that the international system strongly shapes state behavior, the theory pays little attention to domestic politics or ideology. Yet Mearsheimer acknowledges that there will be times when these omitted factors do dominate a state's decision-making process.

Readers are bound to find this a provocative book, and even among those persuaded by the overall theory there will be much to debate: the deemphasis on domestic structure, especially in a world where many (though not all) of the great powers of the past two centuries have become constitutional democracies; the impact of new military technology, especially the revolution in military affairsm, which may call into question Mearsheimer's emphasis on the "stopping power" of water; the extent to which the seven historical periods that make up his treatment of the years from 1792 to 1990 remain relevant to our understanding of the twenty-first-century world; and his conclusion about a rising China as the most dangerous threat to the United States in the twenty-first-century.

Toward the end of *The Tragedy of Great Power Politics*, John Mearsheimer observes, "In short, the real world remains a realist world" (p. 361). He has made a compelling case not only for this proposition, but also for a powerful theory to elucidate it.

ROBERT J. LIEBER
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**The Hidden Hand: Britain, America and Cold War Secret Intelligence**
*by Richard J. Aldrich. London, John Murray, 2001. 732 pp. $25.00.*

This is a substantial work in content as well as size. The role of intelligence activities and assessments in the history of the cold war is only beginning to get the attention it deserves, and this detailed volume makes a real contribution. Written by a British author who has specialized in the study of intelligence, this account focuses on the British intelligence service with additional attention to British-American intelligence cooperation (and, sometimes, competition and

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noncooperation) from the years of World War II through 1963, roughly the first third of the cold war. Among the conclusions, the author finds the "hidden hand" of Anglo-American cooperation in the field of intelligence, and especially the British contribution, to have been a major factor in the development and maintenance of the overall special relationship between the two countries.

Aldrich finds that until 1949, Britain was emphasizing the Soviet threat and urging the United States to do more in waging the cold war in order to engage the United States more fully in containing Soviet expansionist ambitions and warding off a threat to Britain. After 1949, with the Soviet Union moving toward a nuclear capability, the UK began to seek to restrain the United States from waging the cold war too vigorously because of Britain's perceived greater vulnerability and the heightened danger of precipitating a nuclear war. Both countries consistently sought to keep the cold war from turning hot, but the British feared that the Americans would press their efforts to weaken, subvert, and roll back the Soviet Union and its bloc beyond tolerable risks.

The particular value of Aldrich's study is the detailed review of intelligence activities based on the available record. That record is, needless to note, incomplete, but Aldrich has mined declassified UK and U.S. materials assiduously, as well as other archival sources, personal papers, and published accounts. Among other things, he presents the first extensive account of covert American funding of the movement for European unity, as well as the more familiar British and American covert operations in the culture and propaganda war against communist and Soviet targets. Also of interest is his account of the active British security and intelligence services' role in domestic British politics.

The hidden hand of covert intelligence operations represented a crucial dimension of policy and policy implementation for waging the cold war below the threshold of real war. Aldrich's contribution is in showing in impressive detail how the United Kingdom and the United States, mainly in collaboration, worked to carry out that policy.

Espionage and clandestine intelligence collection by both sides is of course another important aspect of the story. Aldrich addresses that duel, principally from the standpoint of its relationship to the workings of the hidden hand of broader policy implementation. In this respect, his most important contribution is in saying what little can yet be said about the use of intelligence for strategic deception, including the occasional British use of intelligence for deception of it allies.

As can be expected in such a detailed picture over a broad canvas, despite the author's scholarship and diligence a number of minor errors have crept in. For example, Admiral Hyman Rickover was never chief of naval operations in the U.S. Navy (p. 563); Heinz Felfe of the German Intelligence Service was arrested as a Soviet spy in 1961, not 1954 (p. 432); the aborted May 1960 Summit was in Paris, not Geneva (p. 640); the Soviet Embassy in Washington during the Cuban missile crisis prepared to destroy its files, but did not actually do so

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(p. 623). But such minor errors, while annoying, do not vitiate the basic scholarship or the valuable contribution of this book.

RAYMOND L. GARTHOFF
*The Brookings Institution*

**A Special Relationship: Anglo-American Relations in the Cold War and After** *by John Dumbrell. New York, Macmillan and St. Martin's Press, 2001. 258 pp. $65.00.*

Whether or not the Anglo-American relationship is "special" before, during, or after World War II remains a fascinating subject. If such a relationship can exist between two nation-states, what lies at its roots? culture? national security? economic self-interest? geography? intertwined histories? Perhaps common threats provide the basic glue that holds the two together. After all, the apogee of the Anglo-American special relationship came during World War II, and by the end of that struggle the alliance showed some cracks. Did the cold war offer enough of a threat to keep the relationship special?

Whatever the answers, they are hard to find in this book. The inheritance from the formative period of Anglo-American history, the colonial era, is covered in twenty-six lines of type. World War II gets an entire paragraph, but nothing substantive save a couple of sentences about Anglo-American disputes over collaboration on the atomic bomb. The Truman/Eisenhower—Attlee/Churchill/Eden years get short shrift. All that sets a very slim stage from which to present a history of Anglo-American relations during (and after?) the cold war.

Students of Anglo-American relations will find the second chapter, "Transatlantic Attitudes," interesting. Dumbrell sets up a useful typology for assessing anti-Americanism in Britain, dividing it into cultural, leftist, and nationalist categories. He notes perceptively that British officials have desired "to reify and exaggerate Anglo-American cultural closeness" (p. 40). There is a brief but suggestive summary of the mystique of close cultural relations between British and American officials. But such insights are all too cursory and too easily lost in the rich collection of quotes on Anglo-American relations from everyone who was anyone. The quotations tend to balance each other out, leaving one wondering where the author is going.

Where he is going is to survey in race-horse style the "high politics" of Anglo-American relations—diplomacy and security—from 1960 to the end of the Clinton presidency. The chapter titles lay out the terrain: "The House that Jack and Mac Built," "Lyndon Johnson to Jimmy Carter," "Reagan to Clinton," followed by topical narratives on cooperation in defense and intelligence matters, their joint cold war wars (Vietnam, Falklands, etc.), European integration, and a quick look at the Irish question. These summaries are condensed, competent, and reasonably complete. But despite a solid bibliography and citations to ar-

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chival sources (especially useful for Americans who are less familiar with British materials), this is an outline that is of limited use to scholars as they search to answer deeper questions and to develop hypotheses about the interactions of nation-states.

What this book seems to be is a textbook for a course in Anglo-American relations since 1960. My guess is that John Dumbrell, in his lectures and classes, brings controversies to life, adds detail, and connects the dots between narrative and interpretive history. This book provides the common data base of facts and events that allows the good teacher to probe, push, and prompt students into thinking imaginatively about a relationship that for them—whether they be British, American, or from another nation—significantly shaped their world.

WARREN F. KIMBALL
*Rutgers University*

**The Politics of British Arms Sales Since 1964** *by Mark Phythian. Manchester UK, Manchester University Press, 2001. 340 pp. Cloth, $74.95; paper, $29.95.*

This is an excellent, detailed, well-organized, largely balanced, and readable rendering of the history of British arms sales policy from 1964 to the present. The detail results from the author's massive research of primary sources. After an overview which presents arms trade data for the entire period covered and which looks at the economic and foreign policy arguments for and against such transfers, Phythian does a good job of laying out the complexities of the administration and politics of British arms sales. We learn about the various relevant international control regimes, such as the Wassenaar Arrangement, and the roles of various government ministries—Department of Trade and Industry, Ministry of Defense, The Foreign and Commonwealth Office, the connecting interdepartmental committees, and the Defence Sales Organization modeled after the U.S. International Logistics Negotiations office, once headed by Henry Kuss under Secretary of Defense Robert McNamara. Amid this analysis of the bureaucratics of arms sales, several key issues are analyzed: arms sales and secrecy, commissions and corruption, and investigations.

British arms sales policies over some thirty-five years are analyzed by region, with country-by-country case studies within the regions. For Latin America, Chile, Argentina, Brazil, Peru, and El Salvador are focused on; in Southeast Asia, Indonesia, and Malaysia; in the Middle East, Israel, Saudi Arabia, Jordan, Kuwait, Oman, and the United Arab Emirates. There are chapters on the post-Gulf War arms markets and on the arms sales policy initiatives of Tony Blair's recent Labour government, featuring the role of Foreign Minister Robin Cook.

Two major strands of inquiry emerge from the blizzard of detail in Phythian's work. One involves the constant struggle between the poles of an "ethical

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foreign policy" (idealism) and the realities and vicissitudes of national interest, the political leverage of arms recipients, market pressures, balance of payments pressures, (realpolitik). All this is often labeled in American foreign policy textbooks the "values/interests dilemma." This dilemma is seen playing out in a variety of cases, causes celebre, and scandals in the various regional studies. Examples are aircraft sales to Chile's Pinochet regime, the massive corruption involved in the Al Yamamah deal with Saudi Arabia, the Matrix Churchill episode involving Iraq prior to Britain's military involvement in the 1991 Gulf War, the Hawk aircraft sales to Indonesia during its repression of East Timor, and attempts quietly to transfer Centurion tanks to Israel prior to the 1967 war. The reader is often reminded of the cliché describing the arms trade as "foreign policy writ large."

The second major theme involves the extent that British arms transfer policies have been driven one way or the other by the complex mix of competition and cooperation with the United States. Britain is sometimes seen able to take advantage of American reluctance to sell arms, particularly because congressional blockage of some sales to the Middle East. Several American administrations have nudged Britain into filling gaps where Washington could not tread. But, Britain has had trouble making inroads into some American-controlled markets because of Washington's political and economic clout and its technological superiority. Interestingly, Phythian's discussion of Robin Cook's pitiful, failed attempt to apply New Left morality to British arms sales provides a distinct echo from the days of Jimmy Carter's equally failed presidential directive-13 policy in the late 1970s. There are also echoes from the 1930s and the heyday of Philip Noel-Baker and the U.S. Neutrality Acts. Ironically, Labour's effort to commercialize British arms exports in the 1960s, much later followed by the Cook era of idealism in the 1990s, seems mirrored in reverse by Carter's PD 13 in the 1970s. This was followed by the Clinton administration's strenuous and successful efforts to expand U.S. arms sales in the spirit of "it's the economy, stupid!" Looming over all is the sad but true verity that "if we don't sell them, someone else will."

In his conclusion, the author lays out suggestions for a "more progressive and responsible arms sales policy." They include attention to internal repression, UN Security Council resolutions, parliamentary oversight and transparency, end-use monitoring, multilateral cooperation, brokerage, transnational production, training, and commissions. Thus, while warning at the end about the "politics of delusion" with the sad Cook episode in mind, the author reveals himself as not entirely bereft of Cook-like ideals. All in all, this is a very good book and a valuable contribution to the arms trade literature.

ROBERT HARKAVY
*Pennsylvania State University*

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**The Making of Chinese Foreign and Security Policy in the Era of Reform** *edited by David M. Lampton. Stanford, Stanford University Press, 2001. 508 pp. Cloth, $65.00; paper, $19.95.*

Although the People's Republic of China (PRC) has taken steps toward greater transparency in both its foreign and security policies, matters relating to these issues are not subject to widespread debate within the country. Questions and concerns pertaining to such matters remain shrouded in mystery. Nevertheless, it is still possible for analysts to identify and analyze some of the key issues relating to Beijing's international relations and its defense posture.

This study represents an interesting and solid attempt to explore some of the transformations in the way that the PRC's foreign policy is being made during the post-Mao era—the so-called era of reform. It is organized into four parts. Part I examines the roles of national institutions (specifically the central leadership and the military) and localities in the making of policy. Part II explores the impact of elite and popular opinion upon the crafting of China's foreign policy. Part III focuses on the international system and its impact on policy making in the PRC. Finally, Part IV provides several cases studies in China's decision making. The case studies include arms control, Taiwan, the World Trade Organization, and Korea.

Unfortunately, it is often the case that an edited volume will consist of both strong and weak chapters that have been submitted by individuals with widely varying capabilities. Happily, this study is not one of these. The book is noteworthy in that all of the analysts are experts in their respective fields and their contributions reflect their professionalism and expertise. In other words, there isn't a dud in the book. However, some chapters stand out as especially interesting.

The Taiwan issue remains the most explosive issue in China's relations with other states. As such, it merits special consideration by anyone interested in Chinese politics and the making of policy in the PRC. Michael Swaine's contribution, "Chinese Decision-Making Regarding Taiwan," proves to be an especially solid piece of research. As might be expected, however, the Taiwan issue weaves itself in and out of most chapters in the volume.

Another especially noteworthy and thought-provoking chapter was contributed by Joseph Fewsmith and Stanley Rosen and examines the role of public opinion on Chinese policy. Their study shows how the Chinese population expects—or demands—that the leadership cohort in Beijing greatly improve the country's standing in the global community in coming years. If these high expectations cannot be met, it could spell trouble for China's leadership. It appears that recent efforts to stir up Chinese nationalism could ultimately undermine regime stability.

Despite the book's overwhelming strengths, there are a few shortcomings. For example, Part III is simply too brief. It consists of two chapters—one focus-

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ing on economic interdependence and another exploring the impact of international regimes on Chinese foreign policy making. Conspicuously absent is an in-depth chapter examining the end of the cold war—the most significant transformation in the international system in over five decades—and its impact on the making of Chinese policy. Other structural changes in the international system, including America's reemergence as global cop, are likewise ignored. In all fairness, however, references to these cataclysmic events are found elsewhere in the book.

In sum, *The Making of Chinese Foreign and Security Policy in the Era of Reform* is an accessible and authoritative study. The editor successfully tackles his ambitious project and presents readers with a path-breaking study of China's foreign and security policy. This volume should appeal to both policy makers and academics with an interest in Chinese politics and/or comparative foreign policy.

DENNIS VAN VRANKEN HICKEY
*Southwest Missouri State University*

**Mao's China and the Cold War** *by Chen Jian. Chapel Hill, University of North Carolina Press, 2001. 400 pp. Cloth, $49.95; paper, $19.95.*

In recent years, the Cold War International History Project (CWIHP) has provided English translations of documentary evidence unearthed from recently-opened national archives around the world. This material has helped historians and political scientists to see cold war diplomacy from a truly international perspective. Chen Jian has played an important role in the ongoing efforts of the CWIHP, and his new book continues in this admirable tradition, skillfully weaving together a remarkable collection of sources in an investigation of Chinese foreign policy under Mao Zedong.

The volume is likely to please exacting historians with its extensive reference notes and a concluding bibliographic essay that concisely reviews central issues in Chinese cold war history. But Chen's accomplishment will be appreciated by nonhistorians as well, for at least two reasons. First, the book covers some of the most exciting and important events of the cold war in Asia. It manages to survey China's role in a number of different settings, from Vietnam and Korea to Poland and Hungary, from its alliance with the Soviet Union to its subsequent rapprochement with the United States. Each of the book's nine major chapters tackles one aspect of this complicated web of political interaction, laying out the latest, if not the final, historical interpretations of how decisions were made and policies executed by governments in Beijing, Washington, Moscow, and neighboring capitals. Chen brings all of these events together in a highly readable fashion, never losing his audience with trivial details that might have accumulated along the way.

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Second, the book succeeds brilliantly in the one area which all too frequently eludes scholars of cold war history: the task of moving from historical revelation to analysis, from fine-grained detail to comprehensive synthesis. Although reluctant to single out causal variables in the style of a political scientist, Chen does flag a number of key characteristics of Chinese policy that persisted over time, citing domestic factors that had real consequences for China's neighbors, allies, and adversaries.

In particular, Mao's communist ideology influenced his choice of allies and enemies, and his radical plans for the transformation of Chinese society repeatedly led him to harness foreign policy to domestic ends. Along these lines, in the mid-to-late-1960s, Mao used the international tension raised by China's diplomatic and military support for Vietnamese communists to stimulate domestic mobilization for the Cultural Revolution. Similarly, the Chinese leader saw the 1958 Taiwan Straits Crisis as a means to create "an extraordinary environment" in which his radical Great Leap Forward might be realized (p. 202).

Chen also improves upon previous ideologically-rooted explanations of Chinese foreign policy, noting that Mao's ideology was not simply communist; it was also distinctly Chinese. Thus Mao's foreign policy combined a traditional Chinese ethnocentrism with a postcolonial "victim mentality," resulting in a decidedly prickly and defensive posture as well as an abiding commitment to reassert China's central place in the international arena. Accordingly, Chen's explanation of the Sino-Soviet split emphasizes Mao's dissatisfaction over Soviet "big-power chauvinism" and his refusal to settle for junior partner status in the alliance (pp. 74–77).

While Chen does not entirely discount the role of geostrategic factors in his analysis, he makes a convincing case for the idea that domestic politics explains a great deal about international diplomacy. A different type of government or leadership would likely have altered China's foreign policy and shifted the course of the cold war. Extending this logic to the present day, Chen argues that China's future international role will depend first and foremost on its ongoing domestic transformations. Only time will tell if Chen Jian's skills as a prognosticator match his abundant talents as an historian.

DANIEL S. MARKEY
*Princeton University*

**The Politics of Institutional Choice: The Formation of the Russian State Duma** *by Steven S. Smith and Thomas F. Remington. Princeton, Princeton University Press, 2001. 180 pp. Cloth, $42.50; paper, $16.95.*

Smith and Remington test competing rational choice theories of legislative institutions by examining the development of formal institutional arrangements for the State Duma, the lower house of the Russian parliament. Since the Duma

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was first elected in 1993, the authors focus the bulk of their attention on member preferences and decision-making processes in 1994. In doing so, they compare the relative power of electoral, policy, and partisan theories of legislative behavior to explain the institutional choices members made in shaping the Duma's rules and procedures. The authors' overarching argument is that "no single political goal accounts for the choice of prominent features of Russian parliamentary institutions" (p. 116). Rather, when crafting institutional forms, the individual electoral, policy, and partisan goals of Duma members played varying roles in the ultimate decision-making process.

Surveys conducted among Duma candidates in 1993 and 1995 and elected deputies in 1994 and 1996, along with interviews with Duma candidates and members, comprise the empirical backbone of *The Politics of Institutional Choice.* Chapter one develops the authors' theoretical argument, while chapters two through five test the applicability of the three theoretical approaches to the development of the electoral system, the system of parliamentary parties, the leadership structure, and the committee system. Chapter six contrasts the deputies' strategies in structuring institutions with party discipline in the Duma, seeking to explain the surprisingly high degree of voting cohesion within Russia's weakly institutionalized parties. Finally, chapter seven summarizes the authors' findings and briefly examines the postelection behavior of Russia's 1996 and 1999 Dumas in light of their arguments. Through this book, Smith and Remington seek to elaborate a theory of redistributive (as opposed to efficiency-oriented) politics, and to "make progress toward a theory of institutional choice" (p. 15).

This book's main strength lies in its careful testing of the three competing choice-based theories. Smith and Remington empirically demonstrate that electoral, policy, and partisan goals all affected Duma members' preferences for particular institutional forms, convincingly rejecting studies of legislative behavior that assume either that politicians have only one overarching goal (that is, to get reelected) or that their multiple goals are typically complementary. In addition, as the authors point out, their findings cast doubt on the ability of political scientists to uncover a single theory or process of change that can explain institutional development in legislatures.

The book is less successful in explaining the politics of institutional choice in Russia. Rather than crafting their own institutional rules, Duma members in effect ratified institutional choices previously made by Boris Yeltsin and a presidential commission in the fall of 1993, before the elections to this new legislative body. The Duma retained with few changes the electoral system under which it was originally elected and adopted the presidential commission's decisions on the other three institutional forms. For example, as the authors themselves state, "the Yeltsin-appointed commission that had been charged with drawing up an organizational scheme for the new Duma in the autumn of 1993 discarded the old Presidium model in favor of a council made up of the heads of the organized political factions. In turn, this proposal was accepted by the

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newly elected deputies when they convened in January 1994" (p. 56). In short, this book tells us much more about deputies' preference formation than about the institutional design process itself, since the key choices had already been made by the time the first Duma convened. Nevertheless, students of legislative behavior will certainly find *The Politics of Institutional Choice* useful, as it fruitfully complicates what is too often assumed to be the relatively straightforward decision-making calculus of elected politicians.

JULIET JOHNSON
*Loyola University Chicago*

**Russian Politics: Challenges of Democratization** *edited by Zoltan Barany and Robert G. Moser. New York, Cambridge University Press, 2001. 260 pp. Cloth, $54.95; paper, $19.95.*

In this accessibly written volume, Zoltan Barany and Robert Moser have brought together a group of exceptional scholars who attempt to answer the age-old question pervading Russian politics, namely: "*Kto vinovat*?" or "Who is to blame?" The question at hand is why Russia's democratization period has produced such abysmal results. The authors argue that the root of the problem lies largely in "poor elite decisions and institutional design" (p. 10). In so doing, they examine five issues of central importance to Russia's democratization process: elections and the weakness of political parties, executive-legislative relations, central-regional relations, economic reform, and civil-military relations. The volume's conclusion by M. Steven Fish roots Russia's "low caliber democracy" (p. 215) in the super-presidential system and several ill-fated decisions made by Boris Yeltsin. Each chapter is theoretically informed and empirically grounded. The result is a detailed, informative story about the pitfalls of Russia's democratization trajectory, presented in comparative perspective. Based originally on a 1998 conference, the chapters focus on the Yeltsin period, but each has been updated to reflect the advent of the Putin administration.

In explaining the causes of Russia's highly troubled democratization process, the authors focus on institution building and elite choices, rather than the deleterious legacies that Russia inherited from its Soviet predecessor. That Russia would not experience a trouble-free path to democratization was overdetermined; the constellation of historical, institutional, economic, political, civic, and other obstacles shines brightly in the global-political firmament. The factors that were not overdetermined had to do with the policy choices made by Russia's political leaders in the first decade after the Soviet collapse, which makes this study all the more important.

Several unifying themes integrate the chapters. One is that Russia's political parties are weak. This leads to trouble in executive-legislative relations

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(where Yeltsin's decision not to affiliate with any party detracted from cooperation between the two branches), as well as in central-regional relations, where parties could—but do not—serve an "integrative role by tying national and local politicians together in a single national organization" (p 13). Also weak are state regulatory and legal institutions that might have made the neoliberal market reforms a success, rather than leading to an oligarchy and vast impoverishment. Central state capacity is also weak, as evidenced by the erosion of federal control in Russia's "provinces." By contrast, one of Russia's state institutions, the presidency, is overly strong. This creates a host of problems, including the reinforcement of an underinstitutionalized party system in a feeble legislature. Also, as Zoltan Barany points out in his chapter, Russia's military forces are unfortunately dominated by the executive branch. Naturally, executive domination of the military is better than the reverse; but in a democracy, the executive and legislative branch should share and enforce civilian control over the armed forces. Instead, Russia's armed forces are politicized (if, thankfully, quiescent), and the various uniformed services (such as the army, navy, and Interior Ministry forces) compete with one another and are poorly resourced and regulated.

The volume's chapters complement each other nicely. Together, the chapter authors weave a fairly consistent portrait of post-Soviet Russia's ills and the appropriate diagnoses: agency, more than structural inheritance, is to blame for the patient's condition. The good news is that elite agents have a chance to rescue the patient through institutional reform before the disease spreads.

VALERIE SPERLING
*Clark University*

**Russia and its New Diasporas** by Igor Zevelev. Herndon, VA, United States Institute of Peace Press, 2001. 240 pp. Paper, $19.95.

This study of Russia's policies toward ethnic Russians in the newly independent states after the Soviet Union's collapse is a rich, thought-provoking, eclectic mix of modern political history, demographic data, sociological and policy analysis, and history of ideas. The author starts with an argument that Russia failed to consistently and aggressively pursue expansionist policies in the former republics with considerable Russian populations (especially, Latvia, Estonia, Kazakhstan, Ukraine, and Belarus), because Russia's own concept of nationhood has been "inarticulate" (pp. 33–62).

Zevelev develops this argument very broadly through multiple and sometimes insightful typologies. These include five reasons for Russia's national identity weakness (land empire contiguity, overlap between Russian and Slavic identities, Soviet ethnopolitical identity, communist suppression of Rus-

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sian nationalism, weakness of political institutions in Soviet Russia by contrast with non-Russian Soviet republics); three post-Soviet theoretical discourses (primordialist, liberal, and theoretical ethnonationalist); five projects of post-Soviet nation-building (new state, ethnonationalist, restorationist, hegemonic, and integrationalist); and four types of Russian diasporas (intermingled Slavic, compact communities, dispersed communities, and Baltic communities). The typologies are viewed in a broad context woven from speeches and memoirs of post-Soviet Russia's policy makers, Russian policy documents and party platforms, intellectual debates of the last two centuries, opinion polls, and socioeconomic and demographic data on Russian diasporas based on the 1989 Soviet census. The author leaves it to the readers to connect or deconstruct the typologies and to draw theoretical and substantive inferences from the richly descriptive narrative.

While valuable for brainstorming Russian diaspora issues and for generating new ideas about Russian ethnonationalism, this design comes with high costs. The study's contribution to established comparative theories of ethnonationalism is indeterminate. For example, the author frames "rethinking the theoretical framework" (pp. 160–164) of the entire study in relation to Alexander Motyl (political scientist), Bill Clinton, Arnold Toynbee, and Fyodor Dostoevsky, but without connecting to essentialist, instrumentalist (rational choice), or constructivist interpretations of ethnic relations and political conflict. The theoretically most exciting question of this study—why did Moscow abstain from using force to protect Russian diasporas under similar conditions that saw Belgrade launch genocidal wars in the Balkans—remains unexplained, even though the author does provide an excellent description of ambiguities, contradictions, and ineffectiveness of Russia's policies toward its ethnic diasporas in the 1990s. Predictably, concluding policy assessments are expressed with indeterminate verbs—"Russians *might* disintegrate into a bunch of poorly connected communities" (p. 128), "Russian ethnonational consciousness *may* become stronger" (ibid.), "Russia *could* stir up the Russian populations to form breakaway regions" (p. 166). (Emphasis added.)

But written with insider's unique sensitivity to policy and conceptual nuances on diverse issues associated with Russian diasporas, the book contributes to our understanding of Russia's policies in the "near abroad" and their future in two important ways. First, the book systematically examines the trajectories of Moscow's policies on dual citizenship, on relations with "compatriots living abroad," and on multilateralism. While not rooted in comparative theory, the analysis of these issues cogently shows how reciprocity (restraint of governments in the Soviet successor states), resource mobilization (political and organizational weakness of Russian communities), and third-party (Western) support serve to assuage ethnopolitical tensions and prevent aggressive, violent policies. Second, Zevelev articulates a nontrivial implication for U.S. and Western policy toward Russia. Given persistent "ethnic primordialization" of identity in Russia, Western support for Russia's transition to independent state-

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hood, which many in Washington have seen as the sine qua non of Moscow abandoning expansionist designs in the former USSR, is likely to backfire since any active nation-state building in Russia would strengthen ethnonationalist sentiment and propel the Kremlin to act more aggressively, if not violently, in support of Russian diasporas in the near abroad.

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**U.S. Foreign Policy and the Iran Hostage Crisis** *by David Patrick Houghton. New York, Cambridge University Press, 2001. 252 pp. Cloth, $64.95; paper, $22.95.*

On 4 November 1979, several hundred Iranian students stormed the American embassy in Teheran and took the staff hostage, holding them for more than a year. According to David Houghton, the major decisions surrounding this episode can best be explained as the product of analogical reasoning. To demonstrate this, Houghton reviews the literature dealing with analogical reasoning, analyzes the motivation of the Iranian radicals in seizing the hostages, and carefully traces the responses of President Jimmy Carter and his top aides. He then tries to assess how well the analogical reasoning approach worked in this case, comparing it to other theoretical accounts and considering a number of alternative explanations. Finally, he attempts to set analogical reasoning in a political and bureaucratic context.

How well does Houghton succeed in this enterprise? Granted that analogies seem to have been present in abundance during the hostage crisis, at least two questions must be addressed: To what extent was the thinking of the decision makers influenced by these analogies? How did that affect the policies chosen?

Beginning with Houghton's account of the Carter administration's response to the hostage-taking, it seems that, initially, the President and his advisers reacted rather calmly, believing the situation would soon be resolved. Houghton contends that this expectation was based on an analogy to a similar incident the previous February, which ended peacefully a few days later when the occupiers vacated the embassy at the behest of the Iranian government. However, to label as an analogy the recollection of recent events by people who themselves experienced them under nearly identical circumstances (same country, same embassy, same government—though Houghton claims that the political situation in Iran had changed) stretches the meaning of the term. There is no need to call upon the concept of analogical reasoning to explain drawing on one's own recent personal experience of a virtually identical situation.

After their expectations of an early end to the crisis were disappointed, the decision makers entered a new phase of trying to deal with a situation for which

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there was little precedent. The puzzle here is why the President first chose the path of negotiation, and then switched to forcibly rescuing the hostages. For Houghton, the answer lies in analogical reasoning. However, while he gives a detailed account of the decision makers' deliberations, he is often unable to demonstrate that their thinking was decisively affected by the analogies they referenced. Rather, many of the alternative explanations he conscientiously outlines seem equally, if not more persuasive.

Almost from the outset the decision makers focused on two options: negotiations and a rescue mission. The latter was particularly appealing to Carter's national security adviser, Zbigniew Brzezinski, possibly owing to his recollection of the successful 1976 Israeli rescue of hostages at Entebbe, Uganda. Others, however, disputed the applicability of this analogy, pointing out that the situation in Teheran was very different.

Secretary of State Cyrus Vance offered an alternative analogy based on North Korea's January 1968 seizure of the US spy ship *Pueblo*, when the hostages were released after almost a year of negotiations. Vance also raised the Angus Ward case in which an American consul and his staff were held hostage in China in 1948–1949. While both analogies apparently had some impact on Vance, there is less evidence that they affected anyone else. Nevertheless, though recognizing "widespread resistance to the *Pueblo* analogy . . . from almost every quarter," (p. 103) Houghton asserts that Carter "appears to have followed the *Pueblo* and Angus Ward precedents for some time." What he fails to demonstrate is that Carter chose to negotiate because of the influence of the analogies. Houghton notes, but does not credit, a simpler explanation: "Carter's own belief system predisposed him towards a peaceful resolution of the crisis, which in practice would mean negotiating with the Iranians in some manner" (p. 103).

In the same way, scant evidence is provided that analogies drove Carter's switch from negotiating to the rescue mission. It seems rather that negotiations were tried for several months and discarded because they did not work. That Carter was sufficiently frustrated by this to turn to another alternative while Vance was not is more easily explained by their temperaments than by the pull of different analogies.

The same problem characterizes Houghton's explanation for the planning of the rescue mission. While he gives a thorough account of these deliberations, he does not demonstrate that they were driven by analogical reasoning. Instead, he merely speculates that analogies must have played a major role. Thus, the account is replete with statements like: "given the effect of Entebbe on Brzezinski, it is plausible that he would utilize what lessons could be transferred from the original situation" (p. 116).

The question of sources and evidence is even more pressing in Houghton's explanation of the actions of the Iranian students, which he concludes were motivated by an analogy to the American role in the overthrow of Mohammed Mossadegh in 1953. Again, however, the evidence is less than compelling. As

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Houghton himself notes, "the veracity of the existing sources is hard to establish" and the evidence supporting his argument is "strongly suggestive rather than definitive" (p. 64). Moreover, a number of the key players espoused the opposite view that the reason for the embassy take-over lay in Iranian domestic politics.

On the plus side, the book provides a clear account of the analogical reasoning model and uses available sources well to provide an interesting description of the deliberations in the Carter administration surrounding the Iranian hostage crisis. Unfortunately, it does not demonstrate that analogies played a determinative role in the decision-making process as a whole. Many analogies were raised and rejected by people on all sides of the issue, and many people interpreted the same anthologies differently. One is left with a crazy quilt of various analogies applied in different ways at different times for different reasons. What is lacking is a convincing explanation of decision-making behavior.

BARBARA FARNHAM
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**Gendering World Politics: Issues and Approaches in the Post-Cold War Era** *by J. Ann Tickner. New York, Columbia University Press, 2001. 200 pp. Cloth, $45.00; paper, $17.50.*

J. Ann Tickner was one of the first scholars to address the broad implications of gender in the discipline of international relations (IR). Her 1992 book, *Gender in International Relations*, had two primary foci—to examine the masculinist underpinnings of international relations and to initiate a discussion of what the field might look like if women and women's experiences were included.

Now Tickner has returned to this central question by examining the wide-ranging contributions of recent feminist scholars. She begins by situating feminist scholarship (grouped as liberal, socialist, and radical) within the increasingly fragmented discipline of IR. Tickner summarizes the ways in which feminists, whose scholarship remains marginalized, have entered into the major debates within IR (realists v. idealists, normative v. scientific approaches, and positivists v. postpositivists), as well as the ways in which feminists are transcending the boundaries of the discipline.

The focus then shifts to the ways in which feminists have addressed three central themes: war and security, the global economy, and democratization. It is here that Tickner's work represents a real tour de force as she skillfully interrelates an impressive array of scholarship. For instance, chapter 2 details the realist view of security, and the critical and feminist challenges raised to this understanding. Feminist scholarship has proposed broader views of security, has illuminated the impacts of war on women, and has examined the association of women with peace. Regarding the global economy, feminists have highlighted the effects of the division of labor on women and the different impacts

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the economy is having on women in postcolonial societies. Similarly, while neoliberals have proclaimed the triumph of democracy in fostering international peace, feminists have revealed the extent to which democratic transitions frequently have had negative impacts upon women. Tickner concludes by raising the question: Why do conversations between traditional IR scholars and feminists so frequently fail? Tickner contends that the fundamental difference between these two groups is that IR scholars don't believe that gender matters, whereas feminists see gender as crucial. IR scholars tend to ignore feminist scholarship because feminists raise questions and frequently use methodologies (like narratives) that are outside traditional IR. In contrast, Tickner affirms the importance of the feminist project. By challenging disciplinary boundaries, feminists are building transdisciplinary knowledge, which she sees as crucial for building a more peaceful and just world.

Though this book is invaluable in providing a brief, accessible overview of feminist contributions to discussions of world politics, there are a couple of minor drawbacks to its approach. The common practice of dividing feminist scholarship into three (or more) types of feminism serves to emphasize the differences between these perspectives, rather than the ways in which they can complement each other. The necessity of discussing each feminist approach succinctly can lead to simplifications of the arguments and to misunderstandings of scholarship that straddle approaches or methodologies. For instance, few liberal feminists would agree with Tickner's claim that liberal feminists believe that women's exclusion from policy making is the result of legal barriers alone. The work by Nancy E. McGlen and myself is cited as an example of liberal feminism, yet it addresses not only legal barriers to women's participation, but also sex roles and stereotypes, the impact of gendered organizations, and the constraints of family obligations. Since we also utilize both empirical analysis and women's narratives, we consider our work to be informed by several feminist approaches.

Most significantly, however, what is missing from this work is Tickner's voice. Though her vision provided the framework for this discussion, one wonders where she sees herself in the debates in world politics. To move a feminist analysis forward, Tickner could in her next book incorporate the insights and subject matters of the various feminist schools into a comprehensive view of ungendered institutions, ungendered states, and ungendered world politics.

MEREDITH REID SARKEES
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**War's Offense on Women: The Humanitarian Challenge in Bosnia, Kosovo, and Afghanistan** *by Julie A. Mertus. Bloomfield, CT, Kumarian Press, 2000. 157 pp. Cloth, $50.00; paper, $19.95.*

This book is an important contribution to our understanding of why gender matters in both conflict situations and humanitarian responses. Given that 75

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to 80 percent of those fleeing conflict are women and children, this understanding is vital. Using case studies of Bosnia, Kosovo, and Afganistan, Julie A. Mertus looks at "how the different roles, opportunities, and constraints of men and women influence their needs in times of humanitarian crisis" (p. xi), as well as the international legal framework in which these needs can be addressed.

Chapter 1 is an overview of the situations of women and, to an extent, children who are displaced because of conflict. In describing these situations, the author is careful to specify that not all displaced people are considered refugees, since they may remain in their home countries yet have to leave their homes or may not have the option to flee but are still imperiled by intra- or interstate conflict. She then explains the analytic elements of the study, which relies on a "gender approach." By this the author means taking into account the socially ascribed differences between men and women in evaluating specific cases.

This approach is applied in Chapter 2, which presents a comparison of humanitarian activities in Bosnia, Kosovo, and Afganistan (the last by Judy A. Benjamin). The cases incorporate interviews and field reports, and are illustrated with personal stories. Each case highlights the experience of women during conflict and also assesses assistance and protection efforts. While men and women often experience similar traumas and have similar needs because of being displaced, women also have gender-specific experiences. Women often flee because of gender-based violence, particularly rape; they are susceptible to gender-based violence and discrimination in flight or while receiving assistance (that is, in refugee camps); and they have gender-specific assistance needs and responses to their plight. However, where gender is taken into account by humanitarian organizations, responses are still inadequate. Certain international organizations have made efforts to support women, but the organizations are often too controlling. In Bosnia, local women were rarely included in program development, making efforts sometimes contextually inappropriate. In Kosovo, women's groups learned from the efforts to support Balkan women's organizing. But they found that some of the international attention they received diverted energy for local organizing. Outside efforts require careful negotiation around local gender norms. In her discussion of assistance under the Taliban regime, Judy A. Benjamin highlights local underground strategies, such as private schools for girls and the ways in which external organizations negotiated programs given the severe restrictions on women's mobility and activities. Benjamin is careful to note that women suffered restrictions and abuse prior to the Taliban regime, indicating the continued need to monitor women's rights after the regime's demise.

Chapter 3 presents the history and framework of international law on the issues at hand. Mertus focuses in particular on the recognition of gender-based violence and discrimination as bases for women to claim refugee status and as violations of women's human rights. Chapter 4 provides recommendations for the integration of a gender perspective throughout the process of developing humanitarian policies, as well as in humanitarian organizations.

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As with similar studies, the gender approach used in this study highlights issues of concern to women, not men, but makes the case that these issues need to be addressed. *War's Offensive on Women* is a proactive guide that will be of particular use to policy makers and humanitarian aid providers. Academics may be less enthusiastic about its manual style and prescriptive tone, though they may find it valuable for its informed case studies and summary of international legislation.

ELISABETH JAY FRIEDMAN
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**Arms and Ethnic Conflict** *by John S. Sislin and Frederic S. Pearson. Lanham, MD, Rowman & Littlefield, 2001. 224 pp. Cloth, $65.00; paper, $25.95.*

There are two main views on whether availability of weapons contributes to the escalation of ethnic wars, and more broadly, civil wars or low-intensity wars. The first is that it does, and that many such wars could be avoided or dampened if arms providers, especially First World states, would curtail their exports. The second is that arms are a symptom, not a cause, of ethnic violence, and that curtailing access to arms may actually cause violence by preventing the weaker side in a conflict from acquiring the means to defend itself, enabling and encouraging the stronger side to war upon the weaker.

The first view sees ethnic wars as basically opportunistic, the result of unscrupulous politicians manipulating nationalist feelings for their own careerist reasons, or as simple banditry by criminals who take advantage of disorder to arm themselves and prey on victims of another ethnic community or on anyone they can reach. For the same reasons, stable resolutions to ethnic wars often require disarmament, lest those with no interest in peace continue to use their weapons to provoke, rob, or both.

The second, which draws on the Realist tradition of international relations theorizing, is skeptical, seeing war as encouraged by unbalanced power and deterred by balanced power. Constraining arms access of factions in ethnic conflicts is likely to have the effect of slowing the rate at which the initially weaker side can redress the imbalance, possibly actually promoting violence as the stronger side seizes the use of its weapons advantage while it still has it. Accordingly, some Realists argued in 1992 that the arms embargoes on Yugoslavia were perversely assisting the Serbs; some liberal internationalists went further, arguing that, as the aggressors, the Serbs only should be embargoed.

Sislin and Pearson clearly subscribe to the first argument, arguing that access to arms—specifically imported arms—contributes to the onset of ethnic wars, to their further escalation once started, and makes ending them more difficult.

The testing method is simplistic and ultimately unpersuasive, consisting of several short case narratives, together with a number of tables that categorize

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arms access in particular conflicts as either "high" or "low" and purport to show correlations between this and war onset, escalation, or other outcomes. There are no serious attempts at quantitative analysis and none at counterfactual analysis. Further, coding rules for key concepts—such as "high" versus "low" arms access—are vague; the authors say that they read *Keesing's* accounts of each conflict and then made a judgment call on some basis that they do not explain.

Some conflicts that failed to escalate because of arms shortage on one side would not count in favor of the hypothesis—nor against it—if the weaker side neglected to arm, not because it was blocked from obtaining arms but because its leaders judged the odds too long to make it worthwhile to try. However, conflicts that failed to escalate because of arms shortage on both sides would count strongly in favor of the hypothesis, as would shortages on just one side if leaders of that side judged themselves potentially strong enough to compete militarily given only willing arms sellers. Perhaps the main thing that recommends this research design is that reports of this type are extremely rare, at least at the *Keesing's* or *New York Times*-level reporting of the world.

Separate from the substantive issues, the usefulness of Sislin and Pearson's policy advice is weakened by two factors. First, a strong pro-state bias. In explaining causes of ethnic wars, they measure arms access only for potential rebels and measure onset of ethnic war by occurrences of "rebellion" (pp. 75ff). It is true that states' access to arms is usually better and less variable than that of potential rebels. However, despite brief lip service, the effect of this problem structure is to incorporate a strong presumption against the possibility of legitimate reasons for taking up arms against those who control the state. This ignores the possibility that people may arm because of genuine needs for self-defense against a repressive, murderous, or downright genocidal state.

A second limitation is inherent in structuring the policy problem in this book as elsewhere around restraining arms exports. However, as Sislin and Pearson point out, nearly all the world's wars are fought primarily with small arms, which are either cheap or practical for even weak factions to produce. Some Realists are further skeptical that outside powers' policies can have much impact on weapons balances, because factions' ultimate weapons absorption capacity is normally constrained only by their overall economic strength. In a multipolar world, willing sellers will nearly always be available. Thus it may be that many or most of the world's wars are beyond the reach of this policy lever, whichever way we try to turn it.

CHAIM KAUFMANN
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**Africa Policy in the Clinton Years: Critical Choices for the Bush Administration** *edited by J. Stephen Morrison and Jennifer G. Cooke. Washington, DC, CSIS Press, 2001. 168 pp. Paper, $19.95.*

This slim volume offers practical, sound advice for policy makers dealing with Africa. Its lack of documentation and background make it inappropriate for

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most classroom uses. The individual chapters represent summaries of the discussions of six different working groups on various topics organized by the Center for Strategic and International Studies Africa Program. Leading scholars or practitioners chaired each session and compiled the results. Although the recommendations may seem bland to critical-minded scholars, they do call for the United States to increase modestly its commitments to African stability and development. Thinking realistically, the panel chairpersons opted to call for modest reforms instead of an unlikely revolution.

The bland nature of the recommendations becomes evident in the first chapter, where the editors offer a preview of the major findings. Deploying the bullet-point, simple sentence approach of an overly-distilled committee report, the editors urge policy-makers to "Be realistic, tough-minded, and candid . . . "; to "Be selective, set priorities, consolidate efforts"; to "Rebuild U.S. diplomatic capacities . . ."; and to "Forge a robust compact with Congress" (pp. 12–13).

The placement of coeditor J. Stephen Morrison's chapter 2 on HIV/AIDS signals the editors' conviction that HIV has become the single great challenge to Africa's well being. The chapter begins by noting that 80 percent of those who have died of AIDS and 70 percent of those living with HIV/AIDS worldwide are Africans. It records the rise of the AIDS epidemic in Africa and the West's slow comprehension of the problem. Hidden among the call for sensible, low-cost organizational changes to fight the dread disease is a plea for major funding increases.

Chapter 3 by Terrence Lyons explores diplomatic strategies of conflict resolution. The findings are best summarized by the observation that "Washington should keep its distance from moribund processes or cases where it lacks leverage while remaining vigilant for openings to encourage a more effective process" (p. 45). The conferees apparently judged the conflicts of Eritrea-Ethiopia, Sierra Leone, and Zimbabwe to be most amendable to resolution. They put conflicts in Sudan and Congo second on their triage list, while consigning others to the hopeless category. Interestingly, in chapter 4 on security operations in Africa, Jendayi Frazer and Jeffrey Herbst include the Congo disaster on their short list of conflicts in which the United States should take a leading role. But this book's format does not permit pursuit of the implicit debate. All these authors agree on the commonsense need to work with allies, pick cases for involvement carefully, strengthen capacities, and explain reasons for U.S. involvement to the public and Congress. The recent death of Jonas Savimbi may represent one of the "openings" for conflict resolution that Lyons foresaw.

Chapter 5 makes a convincing case that the United States should pay special attention to two continental players—Nigeria and South Africa. The two merit special attention as much for their own internal fragility as for their potential to serve as peace-keepers, resolve debt problems, and promote economic development. In chapter 6, Peter Lewis reviews recent American economic initiatives in Africa, including debt relief programs and the 2000 U.S.–Africa trade bill. Lewis's recommendations on debt, energy policy, trade and investment, and foreign assistance are quietly pro-African and mildly subversive about of-

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ficial indifference. The final chapter on U.S. humanitarian action in Africa calls most notably for an expansion of the definition of such assistance to include programs on civilian protection and human rights.

Unfortunately, the events of September 11, 2001 have inevitably turned policy makers' attention elsewhere and blunted any impact that this book might have had. When senior policy makers again have time to consider the U.S. role in ameliorating African problems, however, this volume will be most useful.

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**Catholic Roots and Democratic Flowers: Political Systems in Spain and Portugal** *by Howard J. Wiadra and Margaret MacLeish Mott. Westport, CT, Praeger Puiblishers, 2001. 215 pp. Cloth, $65.00; paper $24.95.*

It used to be said that the difference between fascist regimes and socialist regimes is that the former end eventually and the latter never end. More recently we see that some socialist regimes can end too. While the authors of *Catholic Roots and Democratic Flowers* argue persuasively that Spain and Portugal were never fascist in the sense that Germany and Italy were, they present convincing evidence that these two Iberian authoritarian regimes left their respective countries in much better economic condition than did the Eastern European socialist regimes. Both are now enthusiastic members of the European Union, and Spain is the tenth industrial power in the world. This was not supposed to happen in the 1970s, when Franco and Salazar died. Pundits and experts predicted that both countries were not likely to catch up to the rest of Western Europe for a long time, if ever. Howard J. Wiadra and Margaret MacLeish Mott remark in this comprehensive textbook that little attention has been paid to the progress of Iberia in the last quarter century and in particular to the "Spanish Miracle."

It wasn't supposed to happen, so it didn't happen. It is perhaps evidence that now that the twentieth century is over, a precise, objective book like this one can be written without fighting once again the *Reconquista*, the expulsion of the Moors and the Jews, and the Spanish Civil war or without arguing that Catholicism exercises oppressive power in Iberia. Clericals and anticlericals, after two centuries of conflict that repeatedly tore Spain and Portugal apart, now seem to agree that peace, prosperity, democracy, a civil society, and membership in Europe are more important than their old conflicts.

What are the chances, the authors ask, of regression to the old ways? Practically nonexistent, they answer. Both Iberian countries retain certain stylistic residues of their Catholic past. While neither country is mercantilist and neither has a top-heavy bureaucratic social structure (the European Union permits nei-

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ther), neither can be considered a pluralistic country like the United States. The state is still an important reality in both countries, deeply involved in, for example, labor-management negotiations as one interpretation of Catholic social theory suggests that it should be. However, the authors add, in this respect the Iberian countries are not greatly different from France. It is possible to be democratic and civil and support a free market economy (EU-style) and still retain something of the corporate style of the Catholic past.

*Catholic Roots and Democratic Flowers* is an admirable textbook for students who are entering a study of the history and politics of the Iberian countries. Its low-key, balanced style and its careful, restrained judgments will help the introductory student to approach phenomena about which they know little without any burden of ideological memories that may no longer be pertinent. The inquisitive student might even ask the most important question about contemporary Iberia: Given where they were not so long ago, how did they get to where they are today?

It might also tempt the senior sociologist or political scientist who has paid little attention to Spain or Portugal in the last quarter century to ask the same question and perhaps to revise some obsolete stereotypes about the two countries, about Iberian Catholicism, about how to "modernize," and about what it means to be European.

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**Politicians Don't Pander: Political Manipulation and the Loss of Democratic Responsiveness** *by Lawrence R. Jacobs and Robert Y. Shapiro. Chicago, University of Chicago Press, 2000. 425 pp. Cloth, $50.00; paper, $18.00.*

Presidents and members of Congress don't pander to public opinion. That is the central point of this book, which takes as its foil the idea, or perhaps the caricature of an idea, that American politicians find out what public opinion is and then manufacture their positions on issues so as to match exactly what they find. "Public opinion," in this account, is the median viewpoint that surfaces on issues in national opinion surveys.

Instead of pandering, the authors argue, politicians once in office try to advance their own policy ideas. To this end they use opinion surveys a great deal, but they do that to figure out how to sell their own policies to the public. Politicians need to make such pitches while they are holding office, not just during election campaigns. Policies need to be successfully merchandised in this way if they are to be enacted. The public is not a blank slate on most matters, but it can be influenced. Therefore, elected officials draw on opinion surveys to help

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determine how to educate or manipulate the public, to frame or "prime" issues, to justify their own views, or to counter or plant doubts about opposition views. They engage in "crafted talk." Readers of John Zaller's recent work on public opinion will find this line of analysis familiar.

Jacobs and Shapiro make this case convincingly—at least regarding President Bill Clinton's drive to reform health care in 1993–1994 and Newt Gingrich's drive to enact the "Contract with America" and overhaul the federal budget in 1995–1996. Those politicians certainly did try to advance their own ideas. No less certainly, according to the authors' impressive evidence drawn from many interviews and other sources, the politicians drew on the expertise of pollsters to sell those ideas, not to arrive at them. For example, the White House wheeled Democratic pollster Stanley Greenberg into action after its 1300-page health-care plan had been formulated, not before (p. 103). In my view, the most rewarding parts of this book are chapters 3, 4, and 8, where the empirical case that the politicians acted in this fashion is made.

Does this mean that politicians are oblivious to getting reelected? Well, not really. Sometimes they actually do cater to the arguably exogenously existent median voter, as on welfare reform in 1996. Also, one way for politicians to serve reelection needs is to craft public opinion and then benefit from catering to its crafted version. All this is true. Yet the authors of this book have performed a major service by spotlighting the elected politicians as prime movers in the scheme of things. The basic argument of their key empirical chapters is fresh and convincing.

I was less convinced by a declinist argument that animates the early sections of the book and appears occasionally afterward. "Public opinion is not propelling policy decisions as it did in the past. Instead, politicians' own policy goals are increasingly driving major policy decisions . . ." (pp. xv–xvi). Also, the "responsiveness" of government officials to the public has been declining (at least before September 11, 2001), as can be seen, for example, in a 63 percent match between public opinion preferences and actual government policies in 1960–1979 as opposed to a 55 percent match in 1980–1993. I have doubts about this kind of matching analysis. There is ordinarily too much of a chasm in meaning between one-line survey questions and real, complex government policy options for the analysis to work well. As for a new era of priming and manipulation, the politicians of the 1990s could have taken lessons from Senator Joseph McCarthy. The insurance industry's use of "Harry and Louise" ads against Clinton's health-care plan was a page out of the American Medical Association's campaign of public persuasion against President Harry Truman's health-care drive in 1949–1950. Perhaps the Clinton White House just lacked imagination. I cannot recall any image from the health-care drive of 1993–1994 that rivals President Franklin D. Roosevelt's use of manipulative "quarantine" and "garden hose" metaphors to shape American opinion regarding foreign policy in the runup to World War II.

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**Frontiers of Legal Theory** *by Richard A. Posner. Cambridge, MA, Harvard University Press, 2001. 453 pp. $35.00.*

Richard Posner is the nation's most prolific jurist and an endless fount of scholarship. This book is one of three he published in 2001. The others address *Bush v. Gore* and the decline of public intellectuals. Posner is one public intellectual who is going strong.

But is he also going deep? Posner often seems like Jeremy Bentham—a hugely energetic intellect in the grip of a simple idea, able to generate reams of writing because all is seen through one lens. For Bentham, it was utility; for Posner, wealth maximization. Still, that was Posner's theme when he helped found the school of law and economics. As a judge, he has embraced less rigid, more pragmatic views and urged less formalism, more empiricism in law. *Frontiers* promises to pursue these themes.

Alas, *Frontiers* is too much about wealth maximization on too many levels. Not that Posner is mercenary; like Bentham, his outpourings flow from passion for the work. But he is now famous, so publishers prod him to cobble together his essays into books with marketable titles. *Frontiers* is a typical result. It compiles published pieces written for other purposes. Many are valuable, but despite Posner's long explanations of how they fit together, this is not a unified work. And its most important theme gets lost along the way.

Posner says he wishes to map forms of legal theory that may help us gain knowledge "*about*" the legal system as opposed to knowledge of "how to navigate *within* the system" (p. 15). His theme is the need for "empirical" studies of legal systems from this "external" viewpoint (pp. 24, 27). This is exciting and deflating for political scientists and sociologists who study law—exciting because this is what most of us try to do; deflating because Posner treats legal studies in political science as barely worth discussing. Though he has kinder words for legal sociology, it gets little more attention here.

I fear Posner is all too right about the limits of quantitative empirical work on courts by social scientists, but he is a suspect guide to doing better. He is still more judge, lawyer, and wealth-maximization advocate than social scientist. He is less interested in truly external analyses of how law really works than in quantitative studies that will help him do what he does more persuasively. Here he only loosely pursues his promised theme. His first chapter asks whether Bentham inspired the law and economics movement, concluding disappointedly, "probably not." Though enjoyable, this exercise does nothing to clarify how to achieve the social science of law that Posner seeks. Most of the later chapters are standard Posnerian efforts from within the system to show how economic reasoning can guide legal issues, from free speech to legal uses of history to possession to punishment to evidence. Posner notes different approaches to these topics, but they are mostly different "internal," not "external" arguments about law, used chiefly to show the merits of economic reasoning.

That case falters, because Posner's notion of economic reasoning is slippery. He first defines economics as "the science of the consequences of human behavior" (p. 62); but he later condemns those who seek "equality" for aiming

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at a goal too "intangible" to count as a "good" (pp. 91–92). He also reiterates old arguments that seeking to estimate utility is less satisfactory than focusing on wealth maximization (pp. 98–100). So sometimes economic analysis means wealth maximization, sometimes any consequentialist reasoning. The only constant is that "economic" analysis emerges as the best way for judges to think; but that was not supposed to be this book's thesis.

However defined, the economic reasoning here is nonempirical and sometimes sloppy. Only one chapter features any quantitative analysis, a set of regressions used to suggest that economic inequality is not politically destabilizing (pp. 116–119). What does this have to do with external analysis of judicial systems? Not much. Posner contends that "issues of economic equality" are better "addressed by other organs of government" than courts, because courts should use economic reasoning, and economics "cannot generate or validate a theory of distributive justice" (pp. 100–101). So the book's only quantitative argument is a digression from analysis of judicial systems meant to deter legislators fond of economic equality.

When Posner does address empirical legal issues, he offers impressionistic judgments. Consider his opening assessment of the consequences of judicial review. He stresses the argument that even if the institution gives judges great discretion to say what the Constitution means, people will rarely litigate issues where the meaning is clear. Instead, they will litigate over fuzzier matters. Posner argues that this litigation "at the rind" will provide "a bulwark against infringements of the rights in the core" (p. 21). But if some matters are not litigated because everyone thinks them clear, the fact that the courts are litigating unclear cases may do nothing to affect these "core" agreements.

Posner then contends that when legislators enacted segregation laws and banned contraceptives, there was "no basis for thinking them unconstitutional" (pp. 24–25); so they are not evidence for or against judicial review. Perhaps not—but many debated the constitutionality of these laws when they were passed, and they faced periodic legal challenges from their inception to their invalidation. If the Court had not upheld segregation in *Plessy v. Ferguson* (1896), moreover, the Jim Crow system might not have proliferated. Since Posner knows these facts, this "exemplary" discussion seems a sad instance of Homer nodding.

Or, more likely, rushing. There is nothing criminal in such rapid repackaging of the fruits of one's labors. Whether it represents maximization of the great talents of this author is a question that the judge can best judge.

ROGERS M. SMITH
*University of Pennsylvania*

**Electing Jesse Ventura: A Third-Party Success Story** *by Jacob Lentz. Boulder, CO, Lynne Rienner Publishers, 2002. 164 pp. Paper, $16.95.*

Jacob Lentz was born in 1978 and did much of the interviewing for this book in 1999. Those dates—plus some exuberant acknowledgements and a foreword

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by Sidney Verba—suggest that it originated as an undergraduate thesis or perhaps early graduate work at Harvard. It is, however, not only a precocious debut; it is an absolutely first-rate piece of scholarship, one that meets the highest scholarly standards. It is the best analysis of Ventura's victory I have read, and it deserves a place on any select bibliography of recent works on American third-party politics.

After a little background on Minnesota, Lentz launches into a nicely organized and vivid account of the 1998 gubernatorial campaign leading to Ventura's election with 37 percent of the vote. Lentz is especially good at conveying Ventura's momentum driven by rising poll percentages. He also avoids the temptation to dwell on the colorful or bizarre beyond their explanatory importance. The account has one shortcoming: a paucity of vote totals for the main candidates. Nonetheless, the scene is ready for the two important analytical chapters.

The first, an exploration of the reasons why Ventura won, is the capstone of the book, and a stunning piece of analysis it is. Lentz weighs the demographic explanations—support by young voters, blue-collar "dudes," and suburbanites—as well as the Ventura charisma and the charismatic deficits of the major party candidates. He also addresses the political variables: the policy issues in the campaign and the flight of some Democrats from the party's candidate (Hubert Humphrey, Jr.) for his having beaten the party's endorsed candidate in the primary. The analyses are marked by incisiveness, healthy skepticism, and comfort with complex causation.

Ultimately, Lentz focuses on the key to Ventura's success—on the enabling cause, the cause beneath the other causes. In his words: "Thus Ventura won not because he was a celebrity, but because he was running in Minnesota" (p. 95)—because even though a third-party candidate, he was helped by the state's funding of campaigns, its registering of new voters at polling places, its putting his party automatically on the ballot, and by TV debate rules that gave him a place at the podium. In supporting this argument, Lentz makes an important analytical contribution. He uses Gary King's Ecological Inference technique to estimate that almost 70 percent of the same-day registrants (an exceptional total of almost 333,000) voted for Ventura. That subtotal of about 231,000 voters dwarfs the 60,000 vote margin by which Jesse led his closest opponent.

Finally, Lentz discusses the implications of his findings more generally for celebrity politics, voting behavior, and third parties. Once again, the observations are thoughtful and to the point; there simply are no empty paragraphs in this book. In his observations on third parties, Lentz notes that Ventura's party is a recent kind of third party, one dominated by electoral pragmatism. I would go a bit further and say that such a party is not really much more than the associational fiction created by state electoral law. The Minnesota Reform party is already the Independence party, and it has few activists, very few credible can-

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didates, and few discernible policy commitments. It is little more than its larger-than-life governor.

Finally, there is a lesson by example here. The case study can be a viable scholarly genre when it is done as thoroughly and rigorously as this one. The single case can indeed speak to broader questions of analysis and theory if the scholar makes it do so. Lentz succeeds handsomely.

FRANK J. SORAUF
*University of Minnesota*

**Who Speaks for the Poor?** *by R. Allen Hays. New York, Routledge, 2001. 277 pp. $75.00.*

The problem of poverty and how to alleviate it is one of America's most difficult issues. Unlike other highly contested public policy areas, the poor themselves have not traditionally organized to influence the policies that affect them. In *Who Speaks for the Poor?* R. Allen Hays provides an extensive and comprehensive review of interest group theory, touching on the works of Mancur Olson, Grant McConnell, Theodore Lowi and others, and setting the stage for his central question: How do the interests of the poor gain representation in the American political process?

Interest group theory seeks to explain how interest groups fit into the policy-making process and create connections between government and citizens. On one end of the spectrum is traditional pluralist theory, where well rounded sets of competing interests, all with fairly equal access, affect policy directly. On the other end is the more closed subsystem model, where narrow special interest groups dominate the political landscape. Hays, however, suggests that a more fluid, flexible model that takes into account the proliferation of interest groups in almost every policy area, ever-changing participants, and the wide range of group attributes and resources better explain today's social policy environment. In this context Hayes takes an unflinching view at today's poverty interest groups—why they exist, what they seek to accomplish, and more importantly, how effective they are. Using congressional testimony from the last twenty-eight years and interviews and case studies of major social legislation, Hays evaluates the strategies of today's leading poverty advocates in three key areas: food, housing, and welfare.

Hays's look at the welfare reform battle in 1995 demands closest attention. The failure of poverty interests to preserve cash assistance as an entitlement can be considered one of the biggest defeats for the poor in recent history. Hays's conclusion, simply put, is that groups representing the poor are not as effective as they need to be.

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Hays warns against viewing the successful passage of welfare reform as merely a function of political forces converging—the Republican takeover of Congress and President Bill Clinton's promise to "end welfare as we know it." Hays does concede that establishing work requirements and time limits to welfare entitlements were ideas floating around the policy stream for years and therefore were ripe for serious consideration by a conservative Congress in control. Yet, through his analysis, Hays shows that more often than not the groups most active on behalf of the poor on welfare issues could not mobilize on the ground level, and their influence was seriously hampered. Instead, leading generalist and public interest groups who either had no membership base or were made up of middle- and upper-class citizens made the same arguments about expanding welfare benefits and continued their tugging-on-the-heart-strings approach. These groups did not have the clout or depth to address the issues at hand effectively, and their traditional arguments were fundamentally at odds with the conservative agenda of the time.

To make matters more difficult, groups typically allied with the poor, such as labor unions, did not engage the welfare debate as vigorously as they had other issues affecting low-income working people. In the end, generalist and public interest groups could not make their influence felt. The result was a conservative welfare bill passed by a conservative congress. But more importantly, not only did the poor lose the welfare debate, they were not even at the table.

In his final chapter, Hays concludes that the potential influence of groups that advocate for the poor is limited by their lack of voter power. While acknowledging the difficulties in activating the poor, he nevertheless argues that any group that could successfully mobilize these voters would significantly strengthen their authority on issues of concern to low-income Americans. As he lays out the case for face-to-face, grassroots organizing on the local community or neighborhood level, one cannot help but be overwhelmed at the magnitude of the task. Yet, *Who Speaks For The Poor?* should be recognized as the proverbial canary in the coal mine. If changes are not made in the way the poor are represented, they will continue to get the short end of the stick. This book should be mandatory reading for all advocates attempting to affect public policy on behalf of the poor.

RALPH DA COSTA NUNEZ
*Institute for Children and Poverty*

**Campaign Dynamics: The Race for Governor** *by Thomas M. Carsey. Ann Arbor, University of Michigan Press, 2001. 217 pp. Cloth, $49.50; paper, $19.95.*

The thesis of this book can be summed up very simply: campaigns matter. For those who have studied and actively participated in campaigns, this revelation

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comes as no surprise. But much research claiming to predict elections long before campaigns are over seems to contend otherwise. In response, Carsey makes a compelling argument that information provided by campaigns has real and measurable effects on vote choice. Candidates use campaigns in an attempt to create "heresthetic change" (p. 15) by stressing those issues they believe provide a competitive advantage over the opposition. Heresthetic change occurs when voters are persuaded to focus primarily on the set of issues the campaign wishes to make salient rather than whatever issues were previously thought important or that an opposing campaign is stressing. Thus, successful heresthetic change results in voters adopting the campaign's preferred issue agenda as the basis on which to decide which candidate to support. A successful agenda enhances the salience of some demographic cleavages while causing others to become less important to voter decision making.

A real strength of this book is a combination of qualitative and quantitative analysis that builds a rich picture of how heresthetic change might work. After developing his theory, Carsey turns to case studies of the 1993 New Jersey and Virginia races to provide an insider's view of how campaigns attempt to define the issues. While the campaign staff interviewed did not speak directly of controlling the issue space or generating heresthetic change, their words show that this is exactly what they tried to do. However, having campaign staff describe strategy is not sufficient to show how the strategy works. Further, if both campaigns have the same goal, why would their efforts not simply cancel each other out? Drawing on a huge database of exit polls from 1982 to 1992, the next chapters build a comprehensive model of heresthetic change by interacting demographic characteristics with issues stressed by candidates. Carsey finds that, for example, women and men were equally likely to vote for a pro-choice candidate in 1990 if neither campaign ran on abortion. But when abortion was on the agenda, women became significantly more likely to vote for the pro-choice candidate than men. Carsey argues that the stressing of abortion in this example made the gender cleavage more salient for voters. He reports similar results across a range of issues over several different elections.

Ultimately, campaign efforts to define the agenda do not cancel each other out, because campaigns have imperfect information about how issues affect various groups and because for voters losses loom larger than gains. Candidates making appeals on divisive issues all but guarantee substantial loss of voters opposed to them but without a corresponding increase in support from those on their side. Thus, pro-choice voters are less affected by a pro-choice candidate stressing her abortion position than by a pro-life candidate stressing the same issue. This is a neat application of the prospect theory argument that people take risks to avoid losses but are risk-averse toward gains.

At its heart, this book assumes an information processing model where voters learn about candidates. Given the data available, however, this assumption is not and cannot be directly tested. It is clear that campaigns present information and voters respond, but the mechanism of that response—the how and why

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of it—is left unspecified. Part of the enduring puzzle about campaigns is that survey after survey shows voters to be less than well informed. But for heresthetic change to take place, voters must have some idea of the issues being stressed by candidates. Still, this work makes a persuasive case that campaigns actively seek to set the issue agenda and that voters respond to dueling agendas in meaningful ways. Carsey's investigation of campaign effects adds substantially to our understanding of why candidates make the choices they do in defining and presenting their issues and how those choices impact on voter decision making.

DAVID P. REDLAWSK
*University of Iowa*

**Disjointed Pluralism: Institutional Innovation and the Development of the U.S. Congress** *by Eric Schickler. Princeton, Princeton University Press, 2001. 360 pp. Paper, $22.95.*

If we know anything about the U.S. Congress it is this: Congress is a dynamic, ever-changing institution. Consequently, as others have observed, our theories and empirical studies should account for change. Alas, for good reasons our theories of congressional organization tend to the static and our empirical analyses tend to the cross-sectional. Eric Schickler's fine book joins a growing set of efforts to understand how and why Congress changes.

Schickler argues that congressional change is driven by multiple rather than single motivations. Issue framing by individual entrepreneurs helps present a particular change as a "common carrier" (p. 13)—a common reform agreed upon by different groups for different reasons. Coalitions rarely are strong enough to enact complete reconstruction of a congressional structure. Thus common carriers usually constitute uneasy additions to preexisting structures, features originally created to serve other interests. The classic example of this layering process is the 1974 budget reforms that stacked budget reconciliation on top of the authorization, appropriations, and revenue procedures. Once achieved, changes provoke reactions by the injured interests. These reactions sometimes lead to new reforms, which themselves provoke more reactions. Change is thus oscillating rather than linear.

Schickler's argument is nuanced, but the central contention regards multiple versus single motivations. In Schickler's view, theories based on a single interest—be it garnering reelection, enhancing party power, augmenting institutional capacity, redistributing intra-institutional power, or furthering policy goals—at best provide an incomplete explanation for change. For example, the conventional caricature of the 1890 Reed rules adoption holds that they were a product of majority party power. Schickler provides a compelling counterargument that party interests were only part of the story. Because of Speaker

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Reed's skillful framing, a second collective interest—one committed to increasing congressional capacity—also supported the antidilatory measures.

Schickler follows his initial theoretical chapter with four successive empirical chapters addressing the periods: 1890–1910, 1919–1932, 1937–1952, and 1970–1989. Following a concluding chapter, he finishes with an epilogue on the 1990s. For students of congressional history, most of this territory is familiar. What makes these chapters different and well worth reading is the quality analysis. These chapters nicely blend quantitative and qualitative methods. The qualitative analyses tend to be the more convincing, especially because Schickler carefully separates actual motives from spin. A further strength is that he studies both chambers rather than just the House.

*Disjointed Pluralism* will produce much discussion and some criticism. I wonder whether some of the items included as institutional changes qualify. For example, creation of the Republican steering committee in 1919 was really a party change rather than an institutional change, and the modern rise of restrictive rules in the House was arguably a behavioral change not a structural change. Nonetheless, Schickler is careful to show that his basic points hold up even when he distinguishes among types of change. His use of NOMINATE scores to measure policy interests, while defensible, raises problems because it is hard in this context to separate the policy interests from party or majoritarian interests. Finally, proponents of the theoretical perspectives addressed, especially party-based theorists, may quibble with some of Schickler's characterizations; but overall his treatments are fair.

In the end, Schickler strides toward subsuming a large body of competing theories under one theoretical perspective. That in itself is a tremendous achievement. He falls short of developing a theory that actually specifies the conditions under which change occurs or that specifies when and why particular interests join together. Nonetheless, *Disjointed Pluralism* does put some elements of such a theory into sharp focus.

GARRY YOUNG
*University of Missouri, Columbia*

**Congress Confronts the Court: The Struggle for Legitimacy and Authority in Lawmaking** *edited by Colton C. Campbell and John F. Stack, Jr. Lanham, MD, Rowman & Littlefield Publishers, Inc., 2000. 160 pp. Paper, $19.95.*

The contemporary federal judiciary faces a two-pronged attack from the national legislature and the academy. Congress is aggressively seeking to influence how justices interpret ordinary and constitutional law. National lawmakers over the past several decades have passed an unprecedented number of laws reversing Supreme Court decisions interpreting federal statutes. The confir-

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mation process for both Supreme Court and lower federal court judicial nominees routinely becomes a no-holds barred partisan imbroglio. No one likes the present direction of judicial decision making. Liberal law professors condemn the Rehnquist Court for not being the Warren Court. Conservative law professors condemn the Rehnquist Court for not being the Scalia/Thomas Court. Neither of these legislative or academic efforts, however, has influenced the justices, who have fashioned a constitutional jurisprudence based neither in inherited theories of judicial restraint or activism.

*Congress Confronts the Court: The Struggle for Legitimacy and Authority in Lawmaking* provides a nice summary of the judicial decisions that have excited such divisive popular reaction to the Rehnquist Court and the contours of recent legislative efforts to influence federal judicial decision making. The contributors to this anthology uniformly recognize that the Supreme Court is not in practice the final interpreter of the Constitution. Louis Fisher's essay notes the frequency with which elected officials reject judicial decisions on constitutional matters as guides to their conduct. Congress, he notes, frequently provides greater protection for civil rights and liberties than mandated by the Constitution and, less often, ignores unpopular judicial limitations on federal power. Carolyn N. Long's constitutional history of the Religious Freedom Restoration Act similarly serves as an important reminder that majorities in Congress may have a higher regard for certain rights than majorities on the Supreme Court. The Fisher, Long, and other essays remind political scientists that they must investigate all governing institutions in the United States when determining what the Constitution means at present. What constitutional rights Americans presently enjoy are the result of a conversation among governing institutions, not a judicial monologue.

Many essays in *Congress Confronts the Court* highlight and detail the new judicial activism of the Rehnquist Court. David O'Brien notes how Republicans who came to power opposing judicial activism have nominated to the federal bench justices who are as inclined to use federal judicial power as their Warren Court predecessors. Rehnquist Court activism differs from Warren Court activism, the John Stack and Colton Campbell essay points out, because conservatives attach more importance to Tenth Amendment assertions of federalism than Fourteenth Amendment assertions of nationalism. Once thought a truism, the Tenth Amendment now serves as grounds for protecting the integrity of state political processes, limiting the power of the national government to legislate, and limiting the power of people to litigate their national rights against state governments.

Colton Campbell and John Stack have put together a competent, though not pathbreaking set of essays. As is the case with many collections, the essays are a bit uneven. Most are content to summarize either the direction of the Rehnquist Court or legislative responses to judicial decisions. Students will find these pieces clear and useful. Scholars will find little new. Mary Volcansek's study of partisan uses of the impeachment process and the final essay by Nicole Rae ex-

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ploring the conditions of judicial review are the only two essays that self-consciously attempt to break new ground. Rae's essay is a particular good place for exploring perhaps the most interesting question of judicial politics. Congress may tolerate Rehnquist Court review, he suggests, because Republican legislators presently are able to get credit for voting to ban guns in schools, violence against women, and for greater handicapped rights, knowing that the Supreme Court will be there to strike down those laws on federalism or other grounds.

MARK A. GRABER
*University of Maryland*

**The Velvet Coup: The Constitution, the Supreme Court, and the Decline of American Democracy** *by Daniel Lazare. London, Verso, 2001. 152 pp. $23.00.*

Louis Hartz argued that a major reason that the United States has survived and flourished is that a shared middle-class ideology was imported from Europe. As a consequence, it is not surprising that there has been broad consensus for the Constitution. The quasi-religious aura that surrounds the document means that many questions about governing America are beyond public debate, because the Constitution is accepted by the vast majority of the citizens and virtually all of their elected officials. This is a central theme of Daniel Lazare's provocative discourse on the problems of American politics.

Lazare begins with the circus surrounding the 2000 election and argues that it was a symptom of the failures of the constitutional system. After tracing the lineage of ideas that spawned the Constitution, Lazare argues that the American Revolution was designed to preserve rather than destroy. The colonists were not trying to create a new experiment in government; they were trying to recoup rights they had lost. Lazare argues that when it came to establishing a new charter in the wake of the Articles of Confederation, the Framers established a conservative document that was decidedly undemocratic and limited the ability to exercise power. He claims that the Constitution was a recipe for institutional paralysis and control by minorities rather than democratic majorities. Further, he contends that the Constitution is an imposing barrier to fundamental change.

While the book is interesting and lively, the causal chains Lazare constructs are tenuous in places. The Constitution is not just the document that sits in the federal archives. Rather it is a set of norms and rules that have evolved through dynamic interpretation and practice. Through custom and usage, the Constitution has been transformed over time. Thus, there are more proximate causes for some of the problems that Lazare identifies.

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Lazare maintains that the errors of the Framers led to the abandonment of the emancipated slaves in the 1870s, the impeachment of Bill Clinton, and, of course, the Supreme Court's election of George W. Bush. Such problems will continue to recur, he argues, until the flawed mechanism of government is repaired. At various times, the United States stood on a precipice and had the opportunity to take a different approach, such as after the Civil War and during the Great Depression; but at each juncture, the powers of the moment opted to return to the safety of the Constitution rather than seek fundamental changes. Lazare argues that during crises like secession, Reconstruction, Watergate, and the election of 2000, rather than understand that these traumas were caused by the failings of the Constitution, elites claimed that the system ultimately survived because of the Constitution.

In his conclusion, Lazare calls for the elimination of the Electoral College, but one of his recurrent themes is that the amendment process takes such extraordinary majorities that it is unlikely even in the wake of the biggest electoral hemorrhage in 124 years. His other suggested reforms are a curious combination: abolishing the Senate, strong gun control legislation, campaign finance reform to curtail the influence of special interests, sharp limits on the war powers of the president to prevent American gambols abroad, and new drug laws that would stop incarcerating and disenfranchising so many African Americans. He argues for a system of proportional representation to enhance political participation and expand the dormant power of the cities and minorities. Finally, he calls for a constitutional convention to rewrite the cause of the problems that beset America.

The Constitution may not be etched on stone tablets, but we were taught that it was handed down on parchment by a group of demigods. Practical politics militates against the likelihood that Democrats and Republicans will cut their ties to troughs filled with money from interest groups or that they will open up the system to invite more political parties to fracture their monopoly. Which members of Congress interested in reelection would champion the cause of convicted felons or work to limit the reach of drug law? There is little pressure from a public that cannot think outside of the box concerning the Constitution. And speaking of boxes, a constitutional convention would open Pandora's.

RICHARD L. PACELLE, JR.
*University of Missouri-St. Louis*

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## Reference Books and Other Publications of Interest

Bin Laden, Islam & America's New "War on Terrorism" *by As'ad AbuKhalil. New York, Seven Stories Press, 2002. 106 pp. Paper, $8.95.*

The Practical Guide to Humanitarian Law: First English Language Edition *by Françoise Bouchet-Saulnier. New York, Rowman & Littlefield, 2001. 512 pp. Cloth, $85.00; paper, $35.00.*

9-11 *by Noam Chomsky. New York, Seven Stories Press, 2002. Paper, $8.95.*

Peace and War: The Arab-Israeli Military Balance Enters the 21st Century *by Anthony H. Cordesman. Westport, CT, Greenwood Publishing, 2001. 728 pp. $104.00*

American Economic Policy in the 1990s *edited by Jeffrey A. Frankel and Peter R. Orszag. Cambridge, MA, MIT Press, 2002. 1119 pp. Paper, $49.95.*

Notable Speeches in Contemporary Presidential Campaigns: Praeger Series in Political Communication *by Robert V. Friedenberg. Westport, CT, Praeger Publishers, 2002. 288 pp. $64.00.*

The Papers of Dwight David Eisenhower, The Presidency: Keeping the Peace, Volumes 18–21 *edited by Louis Galambos and Daun Van Ee. Baltimore, Johns Hopkins University Press, 2001. $90.00.*

The New Cambridge Handbook of Contemporary China *by Colin Mackerras. New York, Cambridge University Press, 2001. 312 pp. Cloth, $70.00; paper, $25.00.*

America Confronts Terrorism: Understanding the Danger and How to Think About It *edited with an introduction by John Prados. Chicago, Ivan R. Dee, 2002. 448 pp. $27.50.*

New Public Administration in Britain: Third Edition *by John Greenwood, Robert Pyper, and David Wilson. New York, Routledge, 2002. 280 pp. $90.00.*

Terrorism and War *by Howard Zinn. New York, Seven Stories Press, 2002. 159 pp. Paper, $9.95.*



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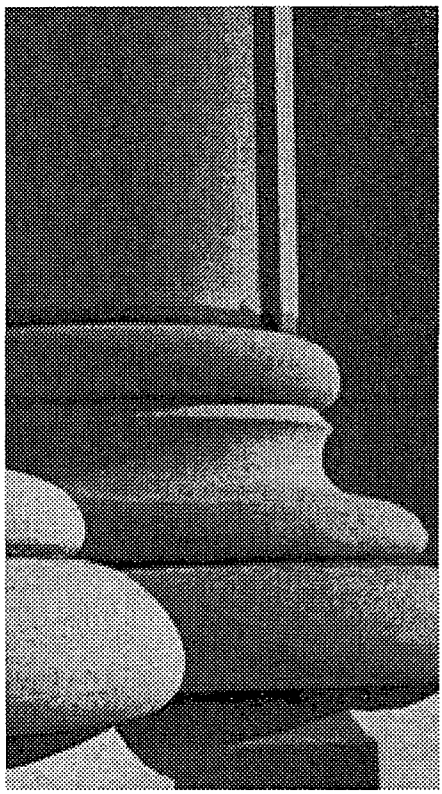

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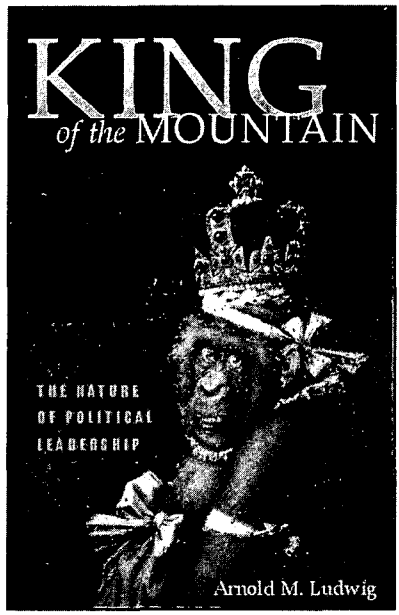


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